



# California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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## PROPOSED ACTION ON REGULATIONS

*Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.*

### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

#### CONFLICT OF INTEREST CODES

#### AMENDMENT

STATE AGENCY:  
**Department of Finance**

A written comment period has been established commencing on **May 20, 2005**, and closing on **July 4, 2005**. Written comments should be directed to the Fair Political Practices Commission, Attention **Kevin S. Moen, PhD**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written

comments must be received no later than **July 4, 2005**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

#### COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

#### EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

#### AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

#### REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

#### CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to **Kevin S. Moen, PhD**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

#### AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to **Kevin S. Moen, PhD**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

## TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

### CONFLICT OF INTEREST CODES

#### AMENDMENT

##### STATE AGENCY:

##### Fair Political Practices Commission

A written comment period has been established commencing on **May 20, 2005**, and closing on **July 4, 2005**. Written comments should be directed to the Fair Political Practices Commission, Attention **Kevin S. Moen, PhD**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **July 4, 2005**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

### COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were

mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

### EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

### AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

### REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

### CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to **Kevin S. Moen, PhD**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

### AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to **Kevin S. Moen, PhD**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

## TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (herein after referred to as "Department") is proposing to take the action described in the Informative Digest.

A public hearing is not scheduled for this proposal. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than **15 days prior to the close of the written comment period**. Any person interested may present statements or arguments in writing relevant to the



action proposed to the person designated in this Notice as the contact person **on or before 5:00 p.m., July 4, 2005.**

Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Department, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

#### AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 407, 32515 and 34001 of the Food and Agricultural Code, and to implement, interpret or make specific sections 32920, 32920.5, 34001.5 of said Code, the Department is considering adding section 581 to Article 19 of Chapter 1, Division 2, of Title 3 of the California Code of Regulations as follows:

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing Law, Food and Agricultural Code section 34001 sets forth the requirements for pasteurizing milk and provides specific heating times and temperatures. This section also authorizes the Department of Food and Agriculture (Department) to review and approve processes of milk pasteurization that have been demonstrated to be equally efficient as those processes specified in section 34001. Food and Agricultural Code section 32515 specifies that the term "pasteurized" means that the milk or milk product has been subjected to a process that is described in Chapter 8 (commencing with section 34001), or other process which has been demonstrated to be equally efficient and has been approved by the Department.

In compliance with section 34001, et seq., the Department has in place requirements for operators of pasteurization equipment under sections 582, 583, 584, and 585 of Article 19, of Chapter 1, Division 2 of Title 3 of the California Code of Regulations. However, these requirements do not allow for the consideration of alternatives to pasteurization pursuant to sections 34001 and 32515.

Therefore, the Department is proposing to adopt new section 581 to update Article 19 of Chapter 1, Division 2 of Title 3 of the California Code of Regulations to designate the requirements for pasteurization, and allow for uniform evaluation of pasteurization equivalency consistent with current technology

and research. This proposal specifies the method for the public to submit proposals to the Department for review and determination of equivalency to authorized pasteurization technologies. This proposal will also make California consistent with federal definitions of pasteurization and ensure that California's milk regulatory program complies with the Grade "A" Pasteurized Milk Ordinance, 2003 Revision, of the United States Department of Health and Human Services, Public Health Service/Food and Drug Administration.

#### FISCAL IMPACT STATEMENTS

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Department has made an initial determination that this proposed regulatory action would not result in any significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. This proposal does not impose any fees, nor requires changes to existing milk and milk products plants in California. It establishes the process by which the effectiveness and safety of new and innovative pasteurization technologies may be evaluated by the Department. This proposal affects individuals and businesses choosing to apply to the Department for approval of alternatives to pasteurization as defined in Food and Agricultural Code section 34001. It imposes the following paperwork requirement upon persons or businesses engaged in the dairy industry:

- *Paperwork:* The person or business choosing to apply for pasteurization equivalency is to submit their proposal in writing to the Department. The only cost anticipated for this requirement would be the person or business incurring mailing costs to submit their proposal to the Department.

In making this determination, the Department has not considered alternatives that would lessen any adverse economic impact on businesses and invites the public to submit such proposals during the written comment period. Submissions may include the following considerations:

- The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- The consolidation or simplification of compliance and reporting requirements for businesses.

- The use of performance standards rather than prescriptive standards.
- Exemption or partial exemption from the regulatory requirements for businesses.

Impact on Jobs/New Businesses: The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California. This proposal does not impose any fees, nor requires changes to existing milk and milk products plants in California. It establishes the process by which the effectiveness and safety of new and innovative pasteurization technologies may be evaluated by the Department.

Cost Impacts on Private Persons or Entities: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This proposal does not impose any fees, nor requires changes to existing milk and milk products plants in California. It establishes the process by which the effectiveness and safety of new and innovative pasteurization technologies may be evaluated by the Department. This proposal affects persons or entities choosing to apply to the Department for approval of alternatives to pasteurization as defined in Food and Agricultural Code section 34001. It imposes the following paperwork requirement upon persons or entities engaged in the dairy industry:

- *Paperwork:* The person or entity choosing to apply for pasteurization equivalency is to submit their proposal in writing to the Department. The only cost anticipated for this requirement would be the person or entity incurring mailing costs to submit their proposal to the Department.

Effect on Housing Costs: None

#### EFFECT ON SMALL BUSINESS

The Department has determined that the proposed regulations would affect small businesses.

#### CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing (if a hearing is requested from the public), or during the public comment period.

#### INITIAL STATEMENT OF REASONS

The Department has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing (if a hearing is requested) or during the public comment period upon request from the Department of Food and Agriculture, 1220 N Street, Room A-114, Sacramento, California 95814.

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the persons named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact persons named below.

#### CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations are to be addressed to the following:

Name: Kristen Dahl, Dairy Program Coordinator  
Address: Department of Food and Agriculture  
Milk and Dairy Food Safety Branch  
1220 N Street, Room A-170  
Sacramento, CA 95814  
Telephone No.: (916) 654-1981  
Fax No.: (916) 654-1274  
E-mail address: [KDahl@cdfa.ca.gov](mailto:KDahl@cdfa.ca.gov)

The backup contact person is:

Name: Nancy Grillo, Associate Analyst  
Address: Department of Food and Agriculture  
1220 N Street, Room A-116  
Sacramento, CA 95814  
Telephone No.: (916) 651-7280  
Fax No.: (916) 653-4249  
E-mail address: [NGrillo@cdfa.ca.gov](mailto:NGrillo@cdfa.ca.gov)

Written comments, facsimiles or e-mails regarding this proposal are to be addressed to the following:

Name: Nancy Grillo, Associate Analyst  
Address: Department of Food and Agriculture  
1220 N Street, Room A-116  
Sacramento, CA 95814

Telephone No.: (916) 651-7280  
 Fax No.: (916) 653-4249  
 E-mail address: [NGrillo@cdfa.ca.gov](mailto:NGrillo@cdfa.ca.gov)

References: Section 8801, 8804 and 8806,  
 Education Code.

#### WEBSITE ACCESS

Materials regarding this proposal can be found at  
<http://www.cdfa.ca.gov>

## TITLE 5. BOARD OF EDUCATION

### NOTICE OF PROPOSED RULEMAKING

#### **Healthy Start**

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

#### PUBLIC HEARING

California Department of Education staff, on behalf of the State Board, will hold a public hearing beginning at **9:00 a.m. on July 5, 2005**, at 1430 N Street, Room 1101, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Coordinator of such intent. The State Board requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Coordinator. The written comment period ends at **5:00 p.m. on July 5, 2005**. The State Board will consider only written comments received by the Regulations Coordinator or at the State Board office by that time (in addition to those comments received at the public hearing). Written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Coordinator  
 LEGAL DIVISION  
 California Department of Education  
 1430 N Street, Room 5319  
 Sacramento, California 95814  
 Telephone: (916) 319-0860  
 Email: [dstrain@cde.ca.gov](mailto:dstrain@cde.ca.gov)  
 FAX: (916) 319-0155

#### AUTHORITY AND REFERENCE

Authority: Section 8804(b) and (i), Education Code.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Senate Bill 620 (Chapter 759, Statutes of 1991) established the Healthy Start Support Services for Children Act. The Healthy Start initiative overcomes barriers to healthy productive lives for children in need of assistance by: creating a learning environment that is optimally responsive to the physical, emotional, and intellectual needs of each child; by fostering inter-agency collaboration and communication at the local level to more efficiently and effectively deliver human support services to children and their families; by encouraging the full use of existing agencies, professional personnel, and public and private funds to ensure that children are ready and able to learn, and to prevent duplication of services and unnecessary expenditures; and encouraging the development of a local interagency oversight mechanism that includes a records system to evaluate cost and effectiveness, and the development of a process of self-assessment of those records and the way in which they are used, to improve the effectiveness of the services.

In addition to *Education Code* sections 8800 et seq., regulations were adopted in 1992 and 1993. These proposed revised regulations provide needed technical clean-up of inaccuracies in the adopted regulations.

The proposed regulations also remove unneeded reformatting requirements; provide a more realistic timeline for appeals, which will ensure that grant funds reach local education agencies in a timely manner; add guidance for the awarding of grants; remove consultation requirements regarding appeals with the Healthy Start Support Services for Children Program Council; reestablish the intent of the legislature for a competitive request for applications process; and add federal confidentiality requirements for student records and medical records.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

*The State Board has made the following initial determinations:*

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Costs to any local agency or school district which must be reimbursed in accordance with Government Code section 17561: None

Other non-discretionary cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None



Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or businesses: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None

Effect on small businesses: The proposed amendments to the regulations do not have an effect on small businesses because the regulations only relate to local school districts and not to business practices.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations should be directed to:

Connie Bourne, Education Program Consultant  
School Health Connections and Healthy Start Office  
California Department of Education  
1430 N Street, Suite 6409  
Sacramento, CA 95814  
Telephone: (916) 319-0496  
E-mail: [cbourne@cde.ca.gov](mailto:cbourne@cde.ca.gov)

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to the Regulations Coordinator, or to the backup contact person, Natalie Vice, at (916) 319-0860.

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the Initial Statement of Reasons. A copy may be obtained by contacting the Regulations Coordinator at the above address.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this notice. If the State Board makes modifications that are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before the State Board adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Coordinator at the address indicated above.

The State Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Coordinator at the above address.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons, can be accessed through the California Department of Education's website at <http://www.cde.ca.gov/re/lr/rr/>.

#### REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Connie Bourne, School Health Connections and Healthy Start Office, 1430 N Street, Suite 6409,



Sacramento, CA, 95814; telephone, (916) 319-0496; fax, (916) 445-7367. It is recommended that assistance be requested at least two weeks prior to the hearing.

## TITLE 5. BOARD OF EDUCATION

### NOTICE OF PROPOSED RULEMAKING

#### Charter Schools

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

#### PUBLIC HEARING

California Department of Education staff, on behalf of the State Board, will hold a public hearing beginning at **9:00 a.m. on July 5, 2005**, at 1430 N Street, Room 1801, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Coordinator of such intent. The State Board requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Coordinator. The written comment period ends at **5:00 p.m. on July 5, 2005**. The State Board will consider only written comments received by the Regulations Coordinator or at the State Board Office by that time (in addition to those comments received at the public hearing). Written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Coordinator  
LEGAL DIVISION  
California Department of Education  
1430 N Street, Room 5319  
Sacramento, California 95814  
Telephone: (916) 319-0860  
Email: [dstrain@cde.ca.gov](mailto:dstrain@cde.ca.gov)  
FAX: (916) 319-0155

#### AUTHORITY AND REFERENCE

Authority: Section 33031, 47612.5(b), 47634.2, Education Code.

Reference: Sections 47604.3, 47605, 47612.5(b), 47632, 47634.2, 51745.6, 51747.3, 60640–60643, Education Code.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed amendments to existing regulations, California Code of Regulations, section 11704 and sections 11963–11963.6, are necessary to implement the provisions of Education Code section 47634.2 applying to Nonclassroom-based charter schools and enacted by Senate Bill 740 (Chapter 892, Statutes of 1991). The amendments would establish an alternative to the existing method for determining the pupil-teacher ratio; authorize multi-year funding determinations; make clarifying changes to the determination of funding request forms and calculations; make technical changes that include removal of language no longer in effect, renumbering, and typographical errors; and establish a policy for review and approval of funding determination requests submitted by nonclassroom-based virtual or online charter schools.

### DISCLOSURES REGARDING THE PROPOSED ACTION

*The State Board has made the following initial determinations:*

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Costs to any local agency or school district which must be reimbursed in accordance with Government Code section 17561: None

Other non-discretionary cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or businesses: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None

Effect on small businesses: The proposed regulations would not have a significant adverse economic impact on any business because they relate only to public charter schools and not to small business practices.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations should be directed to:

Deborah Herrmann, Education  
Programs Consultant  
Charter Schools Division  
California Department of Education  
1430 N Street, Room 5401  
Sacramento, CA 95814  
Telephone: (916) 322-6029  
E-mail: [dherrman@cde.ca.gov](mailto:dherrman@cde.ca.gov)

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to the Regulations Coordinator, or to the backup contact person, Natalie Vice, at (916) 319-0860.

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Coordinator at the above address.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this notice. If the State Board makes modifications that are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before the State Board

adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Coordinator at the address indicated above.

The State Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Coordinator at the above address.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons, can be accessed through the California Department of Education's website at <http://www.cde.ca.gov/re/lr/rr/>.

#### REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Deborah Herrmann, Charter Schools Division, 1430 N Street, Sacramento, CA, 95814; telephone, (916) 322-6029; fax, (916) 322-1465. It is recommended that assistance be requested at least two weeks prior to the hearing.

### TITLE 5. BOARD OF EDUCATION

#### NOTICE OF PROPOSED RULEMAKING

##### Special Education—Highly Qualified Teachers

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

#### PUBLIC HEARING

California Department of Education staff, on behalf of the State Board, will hold a public hearing beginning at **10:00 a.m. on July 5, 2005**, at 1430 N Street, Room 2102, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that persons desiring to present statements or arguments

orally notify the Regulations Coordinator of such intent. The State Board requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Coordinator. The written comment period ends at **5:00 p.m. on July 5, 2005**. The State Board will only consider written comments that are received by the Regulations Coordinator or at the State Board office by that time (in addition to those comments received at the public hearing). Written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Coordinator  
LEGAL DIVISION  
California Department of Education  
1430 N Street, Room 5319  
Sacramento, CA 95814  
Telephone: (916) 319-0860  
E-mail: [dstrain@cde.ca.gov](mailto:dstrain@cde.ca.gov)  
FAX: (916) 319-0155

#### AUTHORITY AND REFERENCE

Authority: Section 12001, Education Code.

References: 20 U.S.C. 7801(23), 20 U.S.C. 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 6111 of Title 5, *California Code of Regulations* (CCR), requires middle and high school teachers new to the profession to meet certain highly qualified teacher requirements as mandated by the *No Child Left Behind Act* (NCLB).

The proposed regulation clarifies certain credential requirements for special education teachers at the middle and high school level while extending certain options of how new special education teachers demonstrate subject matter competence as allowed by the recently reauthorized Individuals with Disabilities Education Act (IDEA), Public Law 108-446.

#### INCORPORATION BY REFERENCE

This regulation incorporates by reference the Individuals with Disabilities Education Act (20 USC 1400 et seq.). This law can be found at <http://nichcy.org/reauth/PL108-446.pdf>.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

*The State Board has made the following initial determinations:*

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Costs to any local agency or school district that must be reimbursed in accordance with Government Code section 17561: None

Other non-discretionary cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or businesses: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None

Affect on small businesses: The proposed amendments to the regulations do not affect small businesses because the regulations apply only to school districts and not to business practices.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations should be directed to:

Janet Canning, Consultant  
Special Education Division  
California Department of Education  
1430 N Street, 2nd Floor  
Sacramento, CA 95814



Telephone: (916) 445-4613  
E-mail: [jcanning@cde.ca.gov](mailto:jcanning@cde.ca.gov)

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to the Regulations Coordinator, or to the backup contact person, Natalie Vice, at (916) 319-0860.

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the Initial Statement of Reasons. A copy may be obtained by contacting the Regulations Coordinator at the above address.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this notice. If the State Board makes modifications that are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before the State Board adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Coordinator at the address indicated above. The State Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Coordinator.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons, can be accessed through the California Department of Education's website at <http://www.cde.ca.gov/re/lr/rr/>.

#### REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Janet Canning, Special Education Division, 1430 N Street, 2nd Floor, Sacramento, CA, 95814; telephone, (916) 445-4613; fax, (916) 327-3516. It is recommended that assistance be requested at least two weeks prior to the hearing.

### TITLE 10. DEPARTMENT OF INSURANCE

NOTICE OF INTENT TO AMEND THE EXISTING CONFLICT OF INTEREST CODE FOR THE INSURANCE COMMISSIONER'S CONSERVATION AND LIQUIDATION OFFICE (Title 10, Chapter 5, Subchapter 10, Article 1, Section 2698.99)

**NOTICE IS HEREBY GIVEN** that the California Department of Insurance ("CDI") proposes to amend the existing Conflict of Interest Code for the Insurance Commissioner's Conservation and Liquidation Office ("CLO"). Title 10, Chapter 5, Subchapter 10, Article 1, Section 2698.99.

#### AUTHORITY AND REFERENCE

The CDI proposes to amend the existing code pursuant to the authority of Government Code Section 87306. The purpose of the Conflict of Interest Code is to implement the requirements of Government Code sections 87300–87302, 87306, and Insurance Code section 1035.2.

#### DESCRIPTION OF THE AMENDMENTS TO THE EXISTING CONFLICT OF INTEREST CODE

The proposed amendments to the existing Conflict of Interest Code, and the provisions of the existing code which will be affected by the proposed amendments, are as follows:

1. The following Designated Employees, and their respective Disclosure Category in parenthesis, are added:
  - a. Internal Auditor (1)
  - b. Chief Operations Officer (1)
  - c. Chief Estate Trust Officer (1)
  - d. Assistant Vice-President of Claims (1)
  - e. Vice-President of Finance (1)
  - f. Estate Reinsurance Manager
  - g. Network Operations Manager (2)



2. The following Designated Employees are deleted:
  - a. Deputy Chief Executive Officer
  - b. Chief Information Officer
  - c. Claims Officer
  - d. Controller
  - e. Estate Reinsurance Supervisor
3. The Claims Manager Disclosure Category is changed from 3 to 1.
4. The disclosure categories are amended to follow more closely with the Fair Political Practices Commission Model Disclosure Categories.

#### ADDITIONAL INFORMATION

A copy of the proposed amendments to the existing Conflict of Interest Code, a written explanation of the reasons for the amendments ("Statement of Reasons"), and the information upon which the proposed amendments are based are available upon request.

#### COMMENTS

Any interested person may submit statements, arguments, or comments relating to the proposed amendments by submitting them in writing to the Contact Person set forth below. Comments sent via electronic mail ("e-mail") are acceptable. In order for the CDI to consider comments before the adoption of the amendments, they must be submitted by no later than the close of the written comment period, which is **5:00 P.M. on JULY 22, 2005**, or at the conclusion of the public hearing, if one is requested, whichever comes later.

#### PUBLIC HEARING

At this time, no public hearing is scheduled concerning the proposed amendments. However, any person, or the person's representative, may request a public hearing; such a request for a public hearing must be made **no later than 15 days prior to the close of the written comment period**.

The CDI has determined that the proposed amendments:

1. Will not impose a cost or savings on any state agency, local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code;
2. Will not result in any nondiscretionary cost or savings to local agencies;
3. Will not result in any cost or savings in federal funding to the state;
4. Will not impose a mandate on local agencies or school districts;
5. Will not have any potential cost impact on private persons or businesses including small businesses;

The CDI must determine that no alternative considered by the CDI would be more effective in carrying out the purpose for which the adoption of the amendments is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### CONTACT PERSON

All inquiries concerning the proposed amendments to the existing Conflict of Interest Code, communications required by this notice, and comments about the proposed amendments should be directed to the following:

Jack K. Hom  
 Senior Staff Counsel  
 California Department of Insurance  
 45 Fremont Street, 23rd Floor  
 San Francisco, CA 94105  
 (415) 538-4129  
 (415) 904-5896  
[homj@insurance.ca.gov](mailto:homj@insurance.ca.gov)

### TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

#### NOTICE OF PROPOSED REGULATORY ACTION

#### **Regulations 1005, 1060 and Procedure D-2 to Grant Continuing Professional Training Credit for Anti-Terrorism and Weapons of Mass Destruction Training**

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Chapter 2 of Title 11 of the California Code of Regulations. This proposal is made pursuant to the authority vested by Penal Code sections 13503 (powers of the Commission on POST) and 13506 (Commission on POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code sections 13503(e) (Commission on POST authority to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses), 13510 (Commission on POST authority to adopt and amend rules establishing minimum standards for California local law enforcement officers) and 13510.5 (Commission on POST authority to adopt and amend standards for certain other designated California peace officers).

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Since the terrorist attacks in September 2001, many governmental agencies at the federal, state, and local level have developed new training courses dealing

with anti-terrorism and weapons of mass destruction (WMD). These courses range from awareness levels through the more complex and complicated required training and certification protocols.

At present, POST recognizes specific non-certified training courses presented out-of-state for the purposes of satisfying the Continuing Professional Training (CPT) requirement. These courses are identified on the POST Non-Certified Training Notification form, POST 2-213, and in Procedure D-2-3.

This proposal would amend Commission Procedure D-2-3 and POST Form 2-213 to permit non-POST-certified courses on anti-terrorism and WMD solely to satisfy the Continuing Professional Training (CPT) requirement. These courses would remain non-reimbursable by POST and limited solely to satisfying CPT requirements. Additionally, Regulations 1005 and 1060 would be amended to reflect the proposed revision date.

Courses that have been developed by any agency of the federal government that deal with anti-terrorism or weapons of mass destruction would be eligible for CPT credit. This includes training courses developed and certified by the Department of Defense, Department of Energy, Department of Justice, Department of Transportation, Environmental Protection Agency, and courses from the Department of Homeland Security (which includes the Office for Domestic Preparedness, the Federal Emergency Management Agency, and the Federal Law Enforcement Training Center).

Various non-POST-certified training courses available to California peace officers over the past three decades have addressed highly critical and specialized training needs. They have advanced the professionalism of law enforcement, improved officer safety, and provided contemporary insight and solutions to the challenges and issues confronting law enforcement today.

Recognition of non-POST-certified anti-terrorism and WMD training presented by any national or state governmental agency, including the United States Armed Forces, to also satisfy CPT requirements gives local agencies a double benefit. Agencies would be able to send personnel to a variety of non-POST-certified training courses at locations inside and outside California for highly specialized training. Agencies pay the costs associated with tuition, travel, lodging, and per diem, or the costs are subsidized by the federal government agency sponsoring the program. Each attendee who successfully completes any of these courses would receive credit towards meeting the CPT requirement in addition to completing important job-related training.

Documentation of training is crucial for law enforcement personnel. The proposed amendments give POST the ability to document these training

courses in a central database, recognizes the quality training programs that have been presented, and provides trainees an administrative process by which to submit documentation and receive credit towards the CPT requirements.

#### **PUBLIC COMMENT**

The Commission hereby requests written comments on the proposed actions. POST must receive all written comments no later than 5:00 p.m. on July 4, 2005. Please direct any written comments to Kenneth J. O'Brien, Executive Director, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, or by fax at 916.227.2801.

A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or his or her duly authorized representative, may request in writing, no later than 15 days prior to the close of the public comment period, that a public hearing be held.

#### **ADOPTION OF PROPOSED REGULATIONS**

Following the close of the public comment period, the Commission may adopt the proposal substantially as set forth without further notice or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available, at least 15 days before adoption, to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date on which the revised text is made available.

#### **TEXT OF PROPOSAL, RULEMAKING FILE, AND INTERNET ACCESS**

The following information regarding the proposed regulatory action is provided on the POST website at [www.post.ca.gov/RegulationNotices/RegulationNotices.asp](http://www.post.ca.gov/RegulationNotices/RegulationNotices.asp):

- POST bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons.

Anyone who does not have Internet access may request a copy of the documents listed above by calling 916.227.4847 or by submitting a written request to the contact person listed below. Please refer to POST Bulletin 2005-08. The rulemaking file

contains the above-mentioned documents and all information upon which this proposal is based. The file will be maintained for inspection during the Commission's normal business hours (Monday through Friday, 8 a.m. to 5 p.m.).

The Final Statement of Reasons will be prepared after the close of the public comment period. A copy may be requested via the above phone number, by writing to the address under Contact Persons at the end of this notice, or by viewing the document on the POST website at the address cited above.

#### ESTIMATE OF ECONOMIC IMPACT

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-Discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will have no affect on California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement and does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no affect on housing costs.

#### ASSESSMENT

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the state of California and will not result in the elimination of existing businesses or create or expand businesses in the state of California.

#### CONSIDERATION OF ALTERNATIVES

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

#### CONTACT PERSONS

Please direct any inquiries or comments pertaining to the proposed action to Patricia Cassidy, Associate Analyst, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by telephone at 916.227.4847, by FAX at 916.227.5271, or by email at [Pat.Cassidy@post.ca.gov](mailto:Pat.Cassidy@post.ca.gov). The back-up contact person for this proposal is Ken Whitman, Bureau Chief; he may be reached by telephone at 916.227.5561, or by email at [Ken.Whitman@post.ca.gov](mailto:Ken.Whitman@post.ca.gov).

### TITLE 14. FISH AND GAME COMMISSION

#### NOTICE OF PROPOSED CHANGES IN REGULATIONS

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 1580, 1581, 1583 and 1907 of the Fish and Game Code and to implement, interpret or make specific sections 1526, 1528, 1530, 1580-1585, 1590 and 1591 of said Code, proposes to amend Section 630, Title 14, California Code of Regulations, relating to Ballona Wetlands Ecological Reserve.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Currently, there are 132 ecological reserves designated in Section 630, Title 14, CCR, for the purpose of protecting sensitive habitats and species. The department is requesting that this section be amended to add one new ecological reserve, Ballona Wetlands, to this listing.

Ballona Wetlands consisting of 553 acres in Los Angeles County is proposed for designation as an ecological reserve for the protection and enhancement of coastal salt marsh and freshwater marsh habitats, and associated species, including the state listed endangered Belding's savannah sparrow. The area is also an important wildlife movement corridor to other public lands in the vicinity of the wetlands.

The reasons for listing this property in Title 14 are to regulate public use and provide the best available protection for the species and habitats the property was acquired to protect. Since the property contains



sensitive species, including a state listed endangered species, sensitive vegetation communities and acts as a linkage for other important protected lands, it is necessary and appropriate to provide this level of regulatory protection to prevent improper use and degradation of wildlife resources. In order to do this efficiently, the department has a set of general regulations which apply to all ecological reserves.

The department may also write special regulations for individual properties, as it thinks appropriate, to give an additional level of protection, or to permit specific public uses not governed by the general regulations. The department is requesting special regulations for this reserve based on management information gathered which shows these amendments are necessary to protect the habitat or species the property supports.

Three special regulations will protect sensitive species and habitats of Ballona Wetlands by allowing pedestrian use only on designated trails; bicycle use only on a designated bike path on the north side of the Ballona Creek flood channel; and boating only within the Ballona Creek flood channel. One special regulation will allow fishing only with barbless hooks from shore in designated areas along the Ballona Creek flood channel or from a boat within the Ballona Creek flood channel for the protection of sensitive species and habitats and to minimize mortality of fish and aquatic species caught by anglers and returned to Ballona Creek. Two additional special regulations will allow licensed recreational use of a portion of an area of the proposed reserve known as Area C, and leased parking use under existing agreements, unless it is determined that other uses are more appropriate for these areas. Because these licensed recreational and parking uses are not normally allowed on ecological reserves, these two special regulations are necessary when the department has determined these activities are appropriate and will cause no impacts to protected species and habitats.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Board of Supervisors Chambers, 1050 Monterey Street, 2nd floor, San Luis Obispo, California on Friday, August 19, 2005, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before August 10, 2005 at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@dfg.ca.gov](mailto:FGC@dfg.ca.gov), but must be received no later than August 19, 2005, at the hearing in San Luis Obispo, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Jon Fischer or Jon Snellstrom at the preceding address or phone number. **Kari Lewis, Lands and Facilities Branch, Department of Fish and Game, phone (916) 445-3789, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

#### AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

#### IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States: The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed regulatory action adds one ecological reserve to Title 14 with special regulations. The proposed regulatory action is proposed to provide maximum protection of wildlife and habitat and to manage appropriate public use. It is not expected



to negatively affect businesses, because the regulations are enforced only on the specific property named.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None
- (c) Cost Impacts on a Representative Private Person or Business: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None
- (e) Nondiscretionary Costs/Savings to Local Agencies: None
- (f) Programs mandated on Local Agencies or School Districts: None
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None
- (h) Effect on Housing Costs: None

#### EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

#### CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

## TITLE 14. FISH AND GAME COMMISSION

### NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 203.1, 205(c), 219, 220, 1590, 1591, 2860, 2861(c), 6750 and 10502.6 of the Fish and Game Code, and Sections 36725(a) and 36725(e) of the Public Resources Code and to implement, interpret or make specific Sections 200, 202, 203.1, 205(c), 219, 220, 1580, 1583, 5521, 6653, 8420(e) and 8500 of the Fish and Game Code, and Sections 36725(a) and 36725(e) of the Public

Resources Code, proposes to amend Section 632, Title 14, California Code of Regulations, relating to Marine Protected Areas.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

State law (sections 1590 and 1591, Fish and Game Code) authorizes the Commission to designate, delete, or modify state marine managed areas (MMAs). Authorization is also provided in subsection 36725(a), Public Resources Code. In addition, in subsection 36725(e), Public Resources Code, the Commission may regulate commercial and recreational fishing and any other taking of marine species in MMAs.

The existing regulation of Section 632, Title 14, California Code of Regulations (CCR), defines State Marine Parks and State Marine Conservation Areas and provides information on authorized uses within those areas. The classification of those areas is in accordance with the Marine Managed Areas Improvement Act (MMAIA) commencing with Section 36600, Public Resources Code).

Nine areas originally designated by the Legislature as marine life refuges were reclassified in 2004 as State Marine Parks under the authority of the MMAIA. Six of these areas were historically productive for the commercial spiny lobster fishery and lobster take has occurred in the areas since their establishment as marine life refuges. The six areas are: Robert E. Badham State Marine Park, Irvine Coast State Marine Park, Laguna Beach State Marine Park, South Laguna Beach State Marine Park, Niguel State Marine Park, and Doheny State Marine Park. With the designation of these six areas as State Marine Parks, there is now a discrepancy between what has been a long-standing use in those areas and the type of use provided for under the state marine park designation as defined in MMAIA. The proposed regulation change would modify the status of these six areas to State Marine Conservation Areas to allow access for the commercial lobster industry.

State law (sections 8254 and 8259, Fish and Game Code) authorizes the Commission to set conditions for the commercial lobster fishery. The proposed regulatory change will not change any conditions for that fishery or affect the status of the spiny lobster stocks.

In addition, Doheny State Marine Park's name is proposed to change to Doheny Beach State Marine Conservation Area to differentiate it from the existing Doheny State Marine Conservation Area.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Board of Supervisors Chambers, 1050 Monterey Street, 2nd floor, San Luis Obispo, California on Friday, August 19, 2005, at 8:30 a.m., or

as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before August 12, 2005 at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@dfg.ca.gov](mailto:FGC@dfg.ca.gov). Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on August 16, 2005. Oral and written comments will be accepted at the Commission's August 19, 2005, at the hearing in Bishop, CA. All comments must be received no later than August 19, 2005, at the hearing in Bishop, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Robert Treanor or Sherrie Koell at the preceding address or phone number. **Mr. John Ugoretz, Nearshore Ecosystem Coordinator, Department of Fish and Game, phone (831) 649-2893, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

#### AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

#### IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States: The proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed action serves to clarify and sanction historical commercial and recreational areas and practices to abate economic impacts and financial hardship to individuals and businesses.
- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

#### EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

#### CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

## TITLE 22. EMPLOYMENT TRAINING PANEL

#### NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Employment Training Panel (Panel) proposes to amend one

regulation and repeal three regulations in Title 22 of the California Code of Regulations, as described below. In particular:

1. Amend Section 4418 to authorize the use of mandatory service charges, commissions, bonuses and employer-paid health benefits to reach the minimum wage that must be earned by each trainee (ETP minimum wage) after training and upon conclusion of a 90-day retention period on the job.
2. Repeal Section 4419 which authorizes the use of employer-paid health benefits to reach the ETP minimum wage, because these provisions would be included in Section 4418 as amended.
3. Repeal Section 4442.1 to eliminate a “makeup training” procedure for situations when a trainee has missed up to 20 percent of the required training hours, for good cause. That procedure has been replaced by a fixed 80 percent standard for minimum training hours.
4. Repeal Section 4444 to eliminate a six-month “project review” by staff. The review objectives are now accomplished during the on-site monitoring visits and reports that are made periodically by staff.

#### AUTHORITY AND REFERENCE

The Panel’s rulemaking authority is set forth at Section 10205(m) of the Unemployment Insurance (U.I.) Code Section 10205(m). In general, the proposed regulatory action will implement, interpret and make specific U.I. Code Section 10200 *et seq.*

#### INFORMATIVE DIGEST

A summary of each proposed adoption or amendment and its purpose is set forth below:

##### 1. Amend Section 4418. Wage Criteria.

Under existing law, the Panel is required to follow an hourly wage threshold in determining the minimum wages that must be earned by a trainee (ETP minimum wage). The training contractor must show that each reached this wage upon conclusion of a 90-day retention period on-the-job. (Unemployment Insurance (U.I.) Code Section 10201(f).)

The proposed amendment would authorize the use of “mandatory service charges” to reach the ETP minimum wage. The proposed amendment would also authorize the use of commission payments and bonuses to reach the ETP minimum wage.

It would also set standards for determining the accuracy and reliability of mandatory service charges, bonuses and commissions that are used to reach the ETP minimum wage. As amended, Section 4418 would be consistent with the statutory definition of “wages” for the purpose of collecting employer contributions to the Unemployment Insurance program. (U.I. Code Section 926.)

##### 2. Repeal Section 4419. Health Benefits.

Currently, Section 4419 authorizes the Panel to use the dollar value of health benefit contributions made by the employer in order to reach the ETP minimum wage. The proposed amendment to Section 4418 would incorporate these provisions. Thus, Section 4419 would no longer be necessary and should be repealed.

##### 3. Repeal Section 4442.1. Makeup Training.

Existing law requires the Panel to establish minimum standards for the consideration of training proposals. (U.I. Code Section 10205(e).) Existing Section 4442.1 sets 80 percent of training hours as the minimum for trainee attendance; and creates a “make-up training” procedure for trainees who miss up to 20 percent of training hours, so long as their absenteeism is excused for good cause.

However, the make-up training procedure has proved cumbersome, and often ineffective. A more recent regulation, Section 4400(y), provides for reimbursement when a trainee completes at least 80 percent of the required training hours. This is without the necessity of make-up training, so long as 100 percent of the required hours were made available. The repeal of Section 4442.1 would remove an inconsistency in the ETP regulations, and is expected to result in greater clarity as to a training contractor’s required performance.

##### 4. Repeal Section 4444. Project Review.

Existing law requires the Panel to ensure the provision of adequate fiscal and accounting controls. (U.I. Code Section 10205(g).) One such control is the audit process under existing Section 4448. In addition, the Panel requires periodic on-site visits to monitor the progress of training projects, pursuant to existing Section 4443. There is also a procedure for a six-month project review pursuant to existing Section 4444.

The monitoring and periodic review regulations were adopted in 1991. Since then, staff has incorporated project review into its monitoring visits and reports. Given the similarity of these two procedures, staff has determined that a separate procedure for project review is unnecessary and potentially confusing.

No documents would be incorporated-by-reference.

#### FISCAL DISCLOSURES

The Panel has made the following initial determinations regarding fiscal disclosures required by Section 11346.2 of the Government Code.

- A. Fiscal Impact. The Panel has made an initial determination that the proposed regulatory action does not impose costs or savings requiring reimbursement under Section 17500 *et seq.* of the



Government Code. Furthermore, this action does not impose non-discretionary costs or savings to any local agency; nor does it impact federal funding for the State.

The Panel has made an initial determination that the proposed action does not impose costs or savings to any State agency pursuant to Section 11346.1(b) or 11346.5(a)(6) of the Government Code. Furthermore, there are no fiscal impact disclosures required by State Administrative Manual Sections 6600–6670.

- B. Cost Impacts. The Panel is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The same determination applies to housing costs. This action would clarify the Panel's standards for reviewing and funding training proposals. Thus, the costs incurred in submitting such proposals should be reduced, if anything.
- C. Adverse Impact on Business. The Panel has made an initial determination that the proposed regulatory action does not have any significant, statewide adverse economic impact directly affecting business, including the ability to compete. Indeed, the overall purpose of the Panel's program is to enhance the ability of California businesses to meet the challenge of competition from other states.
- D. Effect on Small Business. The Panel has determined that the proposed regulatory action does not affect small businesses unless they seek training funds. Since this action would clarify and simplify the Panel's standards for reviewing and funding training proposals, this would be a positive effect.
- E. Effect on Jobs and Business Expansion. The Panel has made an initial determination that the proposed action would not create or eliminate jobs in California. Nor would it create new businesses or eliminate existing businesses in California. The Panel has made an initial determination that the proposed action would not directly affect the expansion of businesses currently operating in California.

Nevertheless, the overall intent and purpose of the ETP program is to foster job creation and the retention of high-wage, high-skilled jobs that are threatened by out-of-state competition. (U.I. Code section 10200(a).) The Panel must give funding priority to projects that would train new employees of firms locating or expanding in the state, train displaced workers, and develop workers with skills that prepare them for the challenges of a high performance workplace of the future. (U.I. Code section 10200(b).) Thus, the Panel has made an

initial determination that the proposed action may encourage the retention of jobs and businesses in California, in the sense that it would enhance the Panel's ability to implement the purpose of the ETP program.

- F. Imposed Mandate. The Panel has made an initial determination that the proposed regulatory action does not impose a mandate on local agencies or school districts.

#### REASONABLE ALTERNATIVES

The Panel has made an initial determination that there is no reasonable alternative to the regulatory proposed action that would be more effective in carrying out its purpose, or would be as effective and less burdensome to affected private parties. Interested persons are welcome to identify reasonable alternatives during the written comment period.

#### WRITTEN COMMENT PERIOD

A 45-day written comment period has been established beginning on May 20, 2005 and ending at 5:00 p.m. on July 5, 2005. Any interested person, or his or her authorized representative, may present written comments on the proposed regulatory action within that period. Comments should be sent to the attention of Margie Miramontes at the following address:

Legal Unit, Employment Training Panel  
100 "J" Street (4th Floor)  
Sacramento, CA 95814

#### PUBLIC HEARING

A public hearing will not be held unless one is requested by an interested person, or his or her authorized representative. The request must be submitted in writing to Ms. Miramontes at the address shown above at least 15 days prior to the close of the written comment period, or 5:00 p.m. on June 20, 2005. The request should identify the specific regulatory action for which the hearing is requested.

#### MODIFICATIONS

Modifications to the text of the proposed regulatory action may be made after the public comment period. If so, they will be posted on the ETP Website at [www.ETP.ca.gov](http://www.ETP.ca.gov). They will also be available upon request to Ms. Miramontes. Said modifications will be open to public comment for at least 15 days before their adoption, as noticed on the ETP Website.

#### AVAILABILITY OF DOCUMENTS

The Panel has prepared an Initial Statement of Reasons for the proposed regulatory action, and has compiled all information on which the action was based. This initial statement and information, along with the express text of the proposed action, are



available for inspection at the written comment address shown above. Any inquiries should be directed to Ms. Miramontes.

The Panel will prepare a Final Statement of Reasons at the conclusion of the public comment period. This final statement and the information on which it is based will also be available for inspection at the written comment address shown above. Again, any inquiries should be directed to Ms. Miramontes.

This Notice of Proposed Rulemaking is posted on the ETP Website at [www.ETP.ca.gov](http://www.ETP.ca.gov). The Initial Statement of Reasons and the express text of the proposed action are also posted on that site. In addition, when the Final Statement of Reasons is prepared it will be posted on the ETP Website.

## GENERAL PUBLIC INTEREST

### DEPARTMENT OF HEALTH SERVICES

#### NOTICE OF GENERAL PUBLIC INTEREST THE DEPARTMENT OF HEALTH SERVICES NURSING FACILITY QUALITY ASSURANCE FEE AND NEW MEDI-CAL REIMBURSEMENT METHODOLOGY FOR FREESTANDING NURSING FACILITIES LEVEL-B AND SUBACUTE CARE UNITS OF FREESTANDING NURSING FACILITIES LEVEL-B

This notice is to provide information of public interest regarding the Department of Health Services' (DHS) implementation of Assembly Bill (AB) 1629 (Stats. 2004, ch. 875). This legislation enacts both a skilled nursing facility Quality Assurance Fee, and a new Medi-Cal Rate Reimbursement Methodology for certain types of nursing facilities.

AB 1629 directs DHS to request federal approval to impose the Skilled Nursing Facility Quality Assurance Fee in accordance with federal law, title 42 United States Code section 1396b(w). Additionally, because AB 1629 exempts certain groups of facilities, DHS is required to request a waiver of uniformity. DHS submitted the request for federal waiver to the Centers for Medicare & Medicaid Services (CMS) on March 21, 2005. This Quality Assurance Fee affects all non-exempt skilled nursing facilities, regardless of whether they participate in the Medi-Cal program. The Quality Assurance Fee will be imposed on a per resident day basis. Facilities failing to comply with requirements of the Quality Assurance Fee may face monetary penalties and/or a delay in license renewal.

Upon federal approval of this waiver, DHS will assess skilled nursing facilities a Quality Assurance

Fee effective retroactive to August 1, 2004. Providers exempted from the Quality Assurance Fee are:

- Continuing Care Retirement Communities
- Multi Level Care Facilities
- Skilled Nursing Facilities owned and operated by the state or another public entity
- Distinct Part of a facility licensed as a general acute care hospital

Legislation may exempt the following providers from the Quality Assurance Fee:

- Institutes of Mental Disease or Special Treatment Programs as defined in California Code of Regulations, title 22, section 72443
- Pediatric Subacute Care Units of a Skilled Nursing Facility

Notice is also given of changes to the Medi-Cal reimbursement methodology mandated by AB 1629 for long-term care freestanding nursing facilities level-B (FS/NF-B) and subacute care units of FS/NF-B's. On February 1, 2005, DHS submitted to the federal CMS a supplement to California's Medicaid State Plan under Title XIX of the Social Security Act. This supplement revises the Medi-Cal (Medicaid) reimbursement methodology for FS/NF-B's and subacute care units of FS/NF-B's. This change in reimbursement methodology will be effective, upon approval by CMS, commencing on August 1, 2005, and will be implemented commencing on the first day of the month following that federal approval.

The classes of Medi-Cal long-term care facilities that are not impacted by this rate reimbursement methodology change are:

- Intermediate Care Facilities (Nursing Facility Level-A)
- Intermediate Care Facilities—Developmentally Disabled
- Intermediate Care Facilities—Developmentally Disabled, Habilitative
- Intermediate Care Facilities—Developmentally Disabled, Nursing
- Skilled Nursing Facilities that are a Distinct Part of a General Acute Care Hospital
- Resident days provided in pediatric subacute care units located in freestanding skilled nursing facilities

#### PUBLIC REVIEW

The request for federal approval of the Quality Assurance Fee is available in an electronic version at the DHS web site located at:

<http://www.dhs.ca.gov/mcs/mcpd/RDB/LTCSDU/default.htm>

The proposed supplement to California's Medicaid State Plan, which details the proposed Medi-Cal Rate Reimbursement Methodology changes is available at

this same web site, or at local county welfare offices throughout the State. Hard-copy versions of these documents may be requested, and written comments may be sent to:

Ruben Romero, Unit Chief  
California Department of Health Services  
Medi-Cal Policy Division/Long Term Care  
System Development Unit  
MS 4612  
P.O. Box 997417  
Sacramento, CA 95899-7417

## **DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

### **NOTICE OF PROPOSED SETTLEMENT LODI GROUNDWATER SITE LODI, SAN JOAQUIN COUNTY, CALIFORNIA**

**Public Comment Period: May 20 to  
June 20, 2005**

The Department of Toxic Substances Control (DTSC) pursuant to the authority vested in DTSC under chapters 6.5 and 6.8, division 20 of the Health and Safety Code, and under its inherent governmental authority to resolve claims within its jurisdiction, proposes to enter into a settlement with the City of Lodi, a municipal corporation (the City), regarding the area of the City located within the County of San Joaquin, California bordered approximately by the Mokelumne River to the north, Beckman Road to the east, Harney Lane to the south, and Mills Avenue to the west and the surrounding commercial and residential area composed of five areas of groundwater contamination that have been referred to as the Central Plume Area, the Northern Plume Area, the Western Plume Area, the Southern Plume Area and the Busy Bee Area from which Hazardous Substances have been, or are threatened to be, released or where Hazardous Substances have or may come to be located (the Site).

Notice is hereby given that DTSC proposes to enter into a Settlement Agreement and Mutual Covenants Not to Sue (Settlement Agreement) with the City of Lodi regarding the Site.

Under the proposed Settlement Agreement, DTSC and the City will resolve disputed claims concerning the Site, and the parties' respective obligations under the Comprehensive Joint Cooperative Agreement (JCA) entered into by DTSC and the City in 1997. If, as a result of a judicially approved settlement of the City's claims against a defendant in the action entitled *City of Lodi v. M&P Investments, et al.*, Case No. CIV-S-00-2441 FCD JFM, United States District Court, Eastern District of California ("City Action"), the City receives any cash settlement payments from

or on behalf of a defendant, then the City shall make certain monetary payments to DTSC as reimbursement for DTSC response costs relating to the Site. The City will also waive any defense it may have arising out of the JCA or the Settlement Agreement to the jurisdiction of the Regional Water Quality Control Board, Central Valley Region or any successor lead agency for the Site.

In return, the parties will covenant not to sue each other each other for claims relating to the Site, subject to certain conditions and reservations. In addition, the Settlement Agreement will recognize that the City is entitled to contribution protection for matters addressed in the Settlement Agreement.

DTSC is holding a 30-day comment period on the Settlement Agreement. Written comments on the proposed Settlement Agreement must be submitted on or before 5:00 p.m. June 20, 2005. DTSC may withhold its consent to the Settlement Agreement if such comments disclose facts or considerations that indicate the proposed Settlement Agreement is inappropriate, improper or inadequate.

Comments should be addressed to:

Steve Koyasako ([skoyasak@dtsc.ca.gov](mailto:skoyasak@dtsc.ca.gov))  
Department of Toxic Substances Control  
Office of Legal Counsel  
P.O. Box 806  
Sacramento, California 95812-0806

Steve Schwabauer ([sschwabauer@lodi.gov](mailto:sschwabauer@lodi.gov))  
City Attorney  
City of Lodi  
P.O. Box 3006  
Lodi, CA 95240

Any comments sent electronically should also be sent by mail. Comments should refer to the City of Lodi Groundwater Site.

The Settlement Agreement may be examined at the DTSC headquarters office at 1001 I Street, Sacramento, California 95812-0806. Please contact Ms. Mary Anderson at (916) 324-1667 (phone) or (916) 323-5542 (fax) for an appointment.

During the public comment period, the Settlement Agreement may also be examined on the DTSC Internet Web site at:

[http://www.dtsc.ca.gov/SiteCleanup/  
Lodi\\_Central\\_Plume/index.html](http://www.dtsc.ca.gov/SiteCleanup/Lodi_Central_Plume/index.html)

A copy of the Settlement Agreement may also be obtained by mail from the DTSC Office of Legal Counsel at P.O. Box 806, Sacramento, California 95812-0806, or by faxing or e-mailing a request to Steve Koyasako ([skoyasak@dtsc.ca.gov](mailto:skoyasak@dtsc.ca.gov)), fax no. (916) 323-5542, phone confirmation number (916) 322-6996. If requesting a copy from DTSC, the

cost for reproductions is \$0.15 (15 cents) per page. Please make your check or money order payable to the Department of Toxic Substances Control.

## PROPOSITION 65

### CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC  
ENFORCEMENT ACT OF 1986  
(PROPOSITION 65)

#### NOTICE TO INTERESTED PARTIES

#### AVAILABILITY OF HAZARD IDENTIFICATION MATERIALS FOR PERCHLORATE AND ANNOUNCEMENT OF THE DEVELOPMENTAL AND REPRODUCTIVE TOXICANT IDENTIFICATION COMMITTEE MEETING

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986<sup>1</sup> (Proposition 65). The Developmental and Reproductive Toxicant (DART) Identification Committee of OEHHA's Science Advisory Board advises and assists OEHHA in compiling the list of chemicals known to the State to cause reproductive toxicity as required by Health and Safety Code section 25249.8. The Committee serves as the State's qualified experts for determining whether a chemical has been clearly shown through scientifically valid testing according to generally accepted principles to cause reproductive toxicity.

On April 11, 2003, OEHHA published an initial request for information relevant to the assessment of the evidence of developmental and reproductive toxicity for perchlorate, a chemical to be considered by the DART Identification Committee for possible addition to the Proposition 65 list. At the request of several interested parties, on June 6, 2003, OEHHA issued an extension to the April 11 public comment period until 60 days after receipt of the peer reviewers' comments on OEHHA's draft Public Health Goal document for perchlorate. The peer reviewers' comments were received in February 2004, and thus, on February 27, 2004, a notice was published announcing the close of the 60-day data call-in period on April 27, 2004. All comments were reviewed and considered by

OEHHA in preparing and assembling the hazard identification materials for perchlorate.

OEHHA announces the availability of the document entitled: "Evidence on the Developmental and Reproductive Toxicity of Perchlorate." Copies of the document are available from the Proposition 65 Implementation Office and may be requested by calling (916) 445-6900. The document is also available through the Internet at the following address: <http://www.oehha.ca.gov/>. This notice marks the beginning of a 60-day public comment period. Comments should be submitted in triplicate and directed to:

Ms. Cynthia Oshita  
Office of Environmental Health  
Hazard Assessment  
Proposition 65 Implementation  
P.O. Box 4010  
1001 I Street, 19th floor  
Sacramento, California 95812-4010  
FAX (916) 323-8803

**Comments may also be delivered in person or by courier to the above address. It is requested, but not required, that written comments and supporting documentation be transmitted via email addressed to: [coshita@oehha.ca.gov](mailto:coshita@oehha.ca.gov). In order to be considered, comments must be postmarked (if sent by mail) or received at OEHHA (if hand-delivered, sent by FAX, or transmitted electronically) by 5:00 p.m. on Tuesday, July 19, 2005.**

OEHHA will organize and index the comments received and forward the information to the DART Identification Committee members prior to the meeting at which the candidate chemical will be considered.

At the last DART Identification Committee on November 4, 2004 at which the Committee considered listing chloroform and progesterone, the Committee asked OEHHA to present additional information related to the listing of each chemical. Additional information requested by the Committee concerning the possible reconsideration of the decision not to list chloroform will be made available in a future public notice. The Committee will continue consideration of the listing of progesterone at its next meeting.

The next meeting of the DART Identification Committee is scheduled for **Thursday, August 11, 2005**. The meeting will be held at the California Environmental Protection Agency Headquarters Building, Sierra Hearing Room, at 1001 I Street, Sacramento, California. The meeting will begin at 10:00 a.m. and will last until all business is conducted or until 5:00 p.m. The agenda for the meeting will be provided in a future public notice published in advance of the August 11 meeting.

<sup>1</sup> Health and Safety Code section 25249.5 et. seq.



STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC  
ENFORCEMENT ACT OF 1986

CHEMICALS KNOWN TO THE STATE  
TO CAUSE CANCER OR  
REPRODUCTIVE TOXICITY  
MAY 20, 2005

The Safe Drinking Water and Toxic Enforcement Act of 1986 requires that the Governor revise and republish at least once per year the list of chemicals known to the State to cause cancer or reproductive toxicity. The identification number indicated in the following list is the Chemical Abstracts Service (CAS) Registry Number. No CAS number is given when several substances are presented as a single listing. The date refers to the initial appearance of the chemical on the list. For easy reference, chemicals which are shown underlined are newly added. Chemicals which are shown with a strikethrough were placed on the list with the date noted, and have subsequently been removed.

CHEMICALS KNOWN TO THE STATE  
TO CAUSE CANCER

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	26148685	January 1, 1990
Acetaldehyde	75070	April 1, 1988
Acetamide	60355	January 1, 1990
Acetochlor	34256821	January 1, 1989
2-Acetylaminofluorene	53963	July 1, 1987
Acifluorfen	62476599	January 1, 1990
Acrylamide	79061	January 1, 1990
Acrylonitrile	107131	July 1, 1987
Actinomycin D	50760	October 1, 1989
Adriamycin (Doxorubicin hydrochloride)	23214928	July 1, 1987
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide	3688537	July 1, 1987
Aflatoxins	—	January 1, 1988
Alachlor	15972608	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988
Aldrin	309002	July 1, 1988
Allyl chloride	—	July 1, 1988
<del>Delisted October 29, 1999</del>	<del>407051</del>	<del>January 1, 1990</del>
2-Aminoanthraquinone	117793	October 1, 1989
p-Aminoazobenzene	60093	January 1, 1990
ortho-Aminoazotoluene	97563	July 1, 1987
4-Aminobiphenyl	—	—
(4-aminodiphenyl)	92671	February 27, 1987
1-Amino-2,4-dibromoanthraquinone	81492	August 26, 1997

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
3-Amino-9-ethylcarbazole hydrochloride	6109973	July 1, 1989
2-Aminofluorene	153786	January 29, 1999
1-Amino-2-methylantraquinone	82280	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712685	July 1, 1987
4-Amino-2-nitrophenol	119346	January 29, 1999
Amitrole	61825	July 1, 1987
Analgesic mixtures containing phenacetin	—	February 27, 1987
Aniline	62533	January 1, 1990
Aniline hydrochloride	142041	May 15, 1998
ortho-Anisidine	90040	July 1, 1987
ortho-Anisidine hydrochloride	134292	July 1, 1987
Antimony oxide (Antimony trioxide)	1309644	October 1, 1990
Aramite	140578	July 1, 1987
Aristolochic acids	—	July 9, 2004
Arsenic (inorganic arsenic compounds)	—	February 27, 1987
Asbestos	1332214	February 27, 1987
Auramine	492808	July 1, 1987
Azacitidine	320672	January 1, 1992
Azaserine	115026	July 1, 1987
Azathioprine	446866	February 27, 1987
Azobenzene	103333	January 1, 1990
Benz[a]anthracene	56553	July 1, 1987
Benzene	71432	February 27, 1987
Benzidine [and its salts]	92875	February 27, 1987
Benzidine-based dyes	—	October 1, 1992
Benzo[b]fluoranthene	205992	July 1, 1987
Benzo[j]fluoranthene	205823	July 1, 1987
Benzo[k]fluoranthene	207089	July 1, 1987
Benzofuran	271896	October 1, 1990
Benzo[a]pyrene	50328	July 1, 1987
Benzotrichloride	98077	July 1, 1987
Benzyl chloride	100447	January 1, 1990
Benzyl violet 4B	1694093	July 1, 1987
Beryllium and beryllium compounds	—	October 1, 1987
Betel quid with tobacco	—	January 1, 1990
2,2-Bis(bromomethyl)-1,3-propanediol	3296900	May 1, 1996
Bis(2-chloroethyl)ether	111444	April 1, 1988
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlor-napazine)	494031	February 27, 1987
Bis(chloroethyl nitrosourea (BCNU))(Carmustine)	154938	July 1, 1987
Bis(chloromethyl)ether	542881	February 27, 1987
Bis(2-chloro-1-methylethyl)ether, technical grade	—	October 29, 1999
Bitumens, extracts of steam-refined and air refined	—	January 1, 1990
Bracken fern	—	January 1, 1990
Bromate	15541454	May 31, 2002
Bromodichloromethane	75274	January 1, 1990
Bromoethane	74964	December 22, 2000
Bromoform	75252	April 1, 1991
1,3-Butadiene	106990	April 1, 1988



**CALIFORNIA REGULATORY NOTICE REGISTER 2005, VOLUME NO. 20-Z**

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1,4-Butanediol dimethanesulfonate (Busulfan)	55981	February 27, 1987	Chromium (hexavalent compounds)	—	February 27, 1987
Butylated hydroxyanisole	25013165	January 1, 1990	Chrysene	218019	January 1, 1990
beta-Butyrolactone	3068880	July 1, 1987	C.I. Acid Red 114	6459945	July 1, 1992
Cacodylic acid	75605	May 1, 1996	C.I. Basic Red 9	—	—
Cadmium and cadmium compounds	—	October 1, 1987	monohydrochloride	569619	July 1, 1989
Caffeic acid	331395	October 1, 1994	C.I. Direct Blue 15	2429745	August 26, 1997
Captafol	2425061	October 1, 1988	C.I. Direct Blue 218	28407376	August 26, 1997
Captan	133062	January 1, 1990	C.I. Solvent Yellow 14	842079	May 15, 1998
Carbazole	86748	May 1, 1996	Ciclosporin (Cyclosporin A; Cyclosporine)	59865133 79217600	January 1, 1992
Carbon black (airbone, unbound particles of respirable size)	1333864	February 21, 2003	Cidofovir	113852372	January 29, 1999
Carbon tetrachloride	56235	October 1, 1987	Cinnamyl anthranilate	87296	July 1, 1989
Carbon-black extracts	—	January 1, 1990	Cisplatin	15663271	October 1, 1988
N-Carboxymethyl-N- nitrosoarea	60391926	January 25, 2002	Citrus Red No. 2	6358538	October 1, 1989
Catechol	120809	July 15, 2003	Clofibrate	637070	September 1, 1996
Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990	Cobalt metal powder	7440484	July 1, 1992
Certain combined chemotherapy for lymphomas	—	February 27, 1987	Cobalt [II] oxide	1307966	July 1, 1992
Chlorambucil	305033	February 27, 1987	Cobalt sulfate	10124433	May 20, 2005
Chloramphenicol	56757	October 1, 1989	Cobalt sulfate heptahydrate	10026241	June 2, 2000
Chlordane	57749	July 1, 1988	Coke oven emissions	—	February 27, 1987
Chlordecone (Kepone)	143500	January 1, 1988	Conjugated estrogens	—	February 27, 1987
Chlordimeform	6164983	January 1, 1989	Creosotes	—	October 1, 1988
Chlorendic acid	115286	July 1, 1989	para-Cresidine	120718	January 1, 1988
Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171262	July 1, 1989	Cupferron	135206	January 1, 1988
p-Chloroaniline	106478	October 1, 1994	Cycasin	14901087	January 1, 1988
p-Chloroaniline hydrochloride	20265967	May 15, 1998	Cyclophosphamide (anhydrous)	50180	February 27, 1987
<del>Chlorodibromomethane</del> <del>Delisted October 29, 1999</del>	<del>124481</del>	<del>January 1, 1990</del>	Cyclophosphamide (hydrated)	6055192	February 27, 1987
Chloroethane (Ethyl chloride)	75003	July 1, 1990	Cytembena	21739913	May 15, 1998
1-(2-Chloroethyl)-3-cyclohexyl-1- nitrosoarea (CCNU)	13010474	January 1, 1988	D&C Orange No. 17	3468631	July 1, 1990
1-(2-Chloroethyl)-3-(4- methylcyclohexyl)-1- nitrosoarea (Methyl- CCNU)	13909096	October 1, 1988	D&C Red No. 8	2092560	October 1, 1990
Chloroform	67663	October 1, 1987	D&C Red No. 9	5160021	July 1, 1990
Chloromethyl methyl ether (technical grade)	107302	February 27, 1987	D&C Red No. 19	81889	July 1, 1990
3-Chloro-2-methylpropene	563473	July 1, 1989	Dacarbazine	4342034	January 1, 1988
1-Chloro-4-nitrobenzene	100005	October 29, 1999	Daminozide	1596845	January 1, 1990
4-Chloro-ortho-phenylenedia- mine	95830	January 1, 1988	Dantron (Chrysazin; 1,8-Dihydroxyanthraqui- none)	117102	January 1, 1992
p-Chloro-o-toluidine	95692	January 1, 1990	Daunomycin	20830813	January 1, 1988
p-Chloro-o-toluidine, strong acid salts of	—	May 15, 1998	DDD (Dichlorodiphenyldichloro- ethane)	72548	January 1, 1989
5-Chloro-o-toluidine and its strong acid salts	—	October 24, 1997	DDE (Dichlorodiphenyldichloro- ethylene)	72559	January 1, 1989
Chloroprene	126998	June 2, 2000	DDT (Dichlorodiphenyltrichloro- ethane)	50293	October 1, 1987
Chlorothalonil	1897456	January 1, 1989	DDVP (Dichlorvos)	62737	January 1, 1989
Chlorotrianisene	569573	September 1, 1996	N,N'-Diacylbenzidine	613354	October 1, 1989
Chlorozotocin	54749905	January 1, 1992	2,4-Diaminoanisole	615054	October 1, 1990
			2,4-Diaminoanisole sulfate	39156417	January 1, 1988
			4,4'-Diaminodiphenyl ether (4,4'-Oxydianiline)	101804	January 1, 1988
			2,4-Diaminotoluene	95807	January 1, 1988
			Diaminotoluene (mixed)	—	January 1, 1990
			Diazoaminobenzene	136356	May 20, 2005
			Dibenz[a,h]acridine	226368	January 1, 1988
			Dibenz[a,j]acridine	224420	January 1, 1988
			Dibenz[a,h]anthracene	53703	January 1, 1988
			7H-Dibenzo[c,g]carbazole	194592	January 1, 1988
			Dibenzo[a,e]pyrene	192654	January 1, 1988
			Dibenzo[a,h]pyrene	189640	January 1, 1988

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Dibenzo[a,i]pyrene	189559	January 1, 1988	2,4-Dinitrotoluene	121142	July 1, 1988
Dibenzo[a,l]pyrene	191300	January 1, 1988	2,6-Dinitrotoluene	606202	July 1, 1995
1,2-Dibromo-3-chloropropane (DBCP)	96128	July 1, 1987	Di-n-propyl isocinchomer- onate (MGK Repellent 326)	136458	May 1, 1996
2,3-Dibromo-1-propanol	96139	October 1, 1994	1,4-Dioxane	123911	January 1, 1988
Dichloroacetic acid	79436	May 1, 1996	Diphenylhydantoin (Pheny- toin)	57410	January 1, 1988
p-Dichlorobenzene	106467	January 1, 1989	Diphenylhydantoin (Phenytol), sodium salt	630933	January 1, 1988
3,3'-Dichlorobenzidine	91941	October 1, 1987	Direct Black 38 (technical grade)	1937377	January 1, 1988
3,3'-Dichlorobenzidine dihydrochloride	612839	May 15, 1998	Direct Blue 6 (technical grade)	2602462	January 1, 1988
1,4-Dichloro-2-butene	764410	January 1, 1990	Direct Brown 95 (technical grade)	16071866	October 1, 1988
3,3'-Dichloro-4,4'-diaminodiphenyl ether	28434868	January 1, 1988	Disperse Blue 1	2475458	October 1, 1990
1,1-Dichloroethane	75343	January 1, 1990	Diuron	330541	May 31, 2002
Dichloromethane (Methylene chloride)	75092	April 1, 1988	Epichlorohydrin	106898	October 1, 1987
1,2-Dichloropropane	78875	January 1, 1990	Erionite	12510428	October 1, 1988
1,3-Dichloropropene	542756	January 1, 1989	Estradiol 17B	50282	January 1, 1988
Dieldrin	60571	July 1, 1988	Estragole	140670	October 29, 1999
Dienestrol	84173	January 1, 1990	Estrone	53167	January 1, 1988
Diepoxybutane	1464535	January 1, 1988	Estropipate	7280377	August 26, 1997
Diesel engine exhaust	—	October 1, 1990	Ethinylestradiol	57636	January 1, 1988
Di(2-ethylhexyl)phthalate	117817	January 1, 1988	Ethoprop	13194484	February 27, 2001
1,2-Diethylhydrazine	1615801	January 1, 1988	Ethyl acrylate	140885	July 1, 1989
Diethyl sulfate	64675	January 1, 1988	Ethylbenzene	100414	June 11, 2004
Diethylstilbestrol (DES)	56531	February 27, 1987	Ethyl methanesulfonate	62500	January 1, 1988
Diglycidyl resorcinol ether (DGRE)	101906	July 1, 1989	Ethyl-4,4'-dichloro- benzilate	510156	January 1, 1990
Dihydrosafrole	94586	January 1, 1988	Ethylene dibromide	106934	July 1, 1987
Diisopropyl sulfate	2973106	April 1, 1993	Ethylene dichloride (1,2-Dichloroethane)	107062	October 1, 1987
3,3'-Dimethoxybenzidine (ortho-Dianisidine)	119904	January 1, 1988	Ethylene oxide	75218	July 1, 1987
3,3'-Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride)	20325400	October 1, 1990	Ethylene thiourea	96457	January 1, 1988
3,3'-Dimethoxybenzidine-based dyes metabolized to 3,3'-dimethoxybenzidine	—	June 11, 2004	Ethyleneimine	151564	January 1, 1988
3,3'-Dimethylbenzidine-based dyes metabolized to 3,3'-dimethylbenzidine	—	June 11, 2004	Fenoxycarb	72490018	June 2, 2000
Dimethyl sulfate	77781	January 1, 1988	Folpet	133073	January 1, 1989
4-Dimethylaminoazo- benzene	60117	January 1, 1988	Formaldehyde (gas)	50000	January 1, 1988
trans-2-[(Dimethyl- amino)methylimino]-5- [2-(5-nitro-2-furyl)vinyl]- 1,3,4-oxadiazole	55738540	January 1, 1988	2-(2-Formylhydrazino)-4- (5-nitro-2-furyl)thiazole	3570750	January 1, 1988
7,12-Dimethylbenz(a) anthracene	57976	January 1, 1990	Fumonisin B <sub>1</sub>	116355830	November 14, 2003
3,3'-Dimethylbenzidine (ortho-Tolidine)	119937	January 1, 1988	Furan	110009	October 1, 1993
3,3'-Dimethylbenzidine dihydrochloride	612828	April 1, 1992	Furazolidone	67458	January 1, 1990
Dimethylcarbamoyl chloride	79447	January 1, 1988	Furmecyclox	60568050	January 1, 1990
1,1-Dimethylhydrazine (UDMH)	57147	October 1, 1989	Fusarin C	79748815	July 1, 1995
1,2-Dimethylhydrazine	540738	January 1, 1988	Ganciclovir sodium	82410320	August 26, 1997
Dimethylvinylchloride	513371	July 1, 1989	Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990
3,7-Dinitrofluoranthene	105735715	August 26, 1997	Gemfibrozil	25812300	December 22, 2000
3,9-Dinitrofluoranthene	22506532	August 26, 1997	Glasswool fibers (airborne particles of respirable size)	—	July 1, 1990
1,6-Dinitropyrene	42397648	October 1, 1990	Glu-P-1 (2-Amino-6- methylidiprido[1,2- a:3',2'-d]imidazole)	67730114	January 1, 1990
1,8-Dinitropyrene	42397659	October 1, 1990	Glu-P-2 (2-Aminodipyri- do[1,2-a:3',2'-d]imida- zole)	67730103	January 1, 1990
Dinitrotoluene mixture, 2,4-/2,6-	—	May 1, 1996	Glycidaldehyde	765344	January 1, 1988
			Glycidol	556525	July 1, 1990

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Griseofulvin	126078	January 1, 1990	Mestranol	72333	April 1, 1988
Gyromitrin (Acetaldehyde methylformylhydra- zone)	16568028	January 1, 1988	Metham sodium	137428	November 6, 1998
HC Blue 1	2784943	July 1, 1989	8-Methoxypsoralen with ultraviolet A therapy	298817	February 27, 1987
Heptachlor	76448	July 1, 1988	5-Methoxypsoralen with ultraviolet A therapy	484208	October 1, 1988
Heptachlor epoxide	1024573	July 1, 1988	2-Methylaziridine (Propyleneimine)	75558	January 1, 1988
Herbal remedies containing plant species of the genus Aristolochia	—	July 9, 2004	Methylazoxymethanol	590965	April 1, 1988
Hexachlorobenzene	118741	October 1, 1987	Methylazoxymethanol acetate	592621	April 1, 1988
Hexachlorocyclohexane (technical grade)	—	October 1, 1987	Methyl carbamate	598550	May 15, 1998
Hexachlorodibenzo- dioxin	34465468	April 1, 1988	3-Methylcholanthrene	56495	January 1, 1990
Hexachloroethane	67721	July 1, 1990	5-Methylchrysene	3697243	April 1, 1988
2,4-Hexadienal (89% trans, trans isomer; 11% cis, trans isomer)	—	March 4, 2005	4,4'-Methylene bis (2-chloroaniline)	101144	July 1, 1987
Hexamethylphosphora- mide	680319	January 1, 1988	4,4'-Methylene bis(N,N-dimethyl) benzenamine	101611	October 1, 1989
Hydrazine	302012	January 1, 1988	4,4'-Methylene bis (2-methylaniline)	838880	April 1, 1988
Hydrazine sulfate	10034932	January 1, 1988	4,4'-Methylenedianiline	101779	January 1, 1988
Hydrazobenzene (1,2-Diphenylhydrazine)	122667	January 1, 1988	4,4'-Methylenedianiline dihydrochloride	13552448	January 1, 1988
Indeno [1,2,3-cd]pyrene	193395	January 1, 1988	Methyleugenol	93152	November 16, 2001
Indium phosphide	22398807	February 27, 2001	Methylhydrazine and its salts	—	July 1, 1992
IQ (2-Amino-3- methylimidazo[4,5-f] quinoline)	76180966	April 1, 1990	Methyl iodide	74884	April 1, 1988
Iprodione	36734197	May 1, 1996	Methylmercury compounds	—	May 1, 1996
Iron dextran complex	9004664	January 1, 1988	Methyl methanesulfonate	66273	April 1, 1988
Isobutyl nitrite	542563	May 1, 1996	2-Methyl-1-nitroanthraquin- one (of uncertain purity)	129157	April 1, 1988
Isoprene	78795	May 1, 1996	N-Methyl-N'-nitro-N- nitrosoguanidine	70257	April 1, 1988
Isosafrole	120581	October 1, 1989	N-Methylolacrylamide	924425	July 1, 1990
Isoxaflutole	141112290	December 22, 2000	Methylthiouracil	56042	October 1, 1989
Lactofen	77501634	January 1, 1989	Metiram	9006422	January 1, 1990
Lasiocarpine	303344	April 1, 1988	Metronidazole	443481	January 1, 1988
Lead acetate	301042	January 1, 1988	Michler's ketone	90948	January 1, 1988
Lead and lead compounds	—	October 1, 1992	Mirex	2385855	January 1, 1988
Lead phosphate	7446277	April 1, 1988	Mitomycin C	50077	April 1, 1988
Lead subacetate	1335326	October 1, 1989	Monocrotaline	315220	April 1, 1988
Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989	5-(Morpholinomethyl)-3-[(5-nitro- furfurylidene)- amino]-2-oxalolidinone	139913	April 1, 1988
Lynestrenol	52766	February 27, 2001	Mustard Gas	505602	February 27, 1987
Mancozeb	8018017	January 1, 1990	MX (3-chloro-4-dichloromethyl-5- hydroxy-2(5H)-furanone)	77439760	December 22, 2000
Maneb	12427382	January 1, 1990	Nafenopin	3771195	April 1, 1988
Me-A-alpha-C (2-Amino-3- methyl-9H-pyrido[2,3-b] indole)	68006837	January 1, 1990	Nalidixic acid	389082	May 15, 1998
Medroxyprogesterone acetate	71589	January 1, 1990	Naphthalene	91203	April 19, 2002
MeIQ(2-Amino-3,4- dimethylimidazo[4,5-f] quinoline)	77094112	October 1, 1994	1-Naphthylamine	134327	October 1, 1989
MeIQx(2-Amino-3,8- dimethylimidazo[4,5-f] quinoxaline)	77500040	October 1, 1994	2-Naphthylamine	91598	February 27, 1987
Melphalan	148823	February 27, 1987	Nickel (Metallic)	7440020	October 1, 1989
Merphalan	531760	April 1, 1988	Nickel acetate	373024	October 1, 1989
			Nickel carbonate	3333673	October 1, 1989
			Nickel carbonyl	13463393	October 1, 1987
			Nickel compounds	—	May 7, 2004
			Nickel hydroxide	12054487;	October 1, 1989
				12125563	
			Nickelocene	1271289	October 1, 1989
			Nickel oxide	1313991	October 1, 1989
			Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987
			Nickel subsulfide	12035722	October 1, 1987

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Niridazole	61574	April 1, 1988	Oxadiazon	19666309	July 1, 1991
Nitrilotriacetic acid	139139	January 1, 1988	Oxazepam	604751	October 1, 1994
Nitrilotriacetic acid, tri- sodium salt mono- hydrate	18662538	April 1, 1989	Oxymetholone	434071	January 1, 1988
5-Nitroacenaphthene	602879	April 1, 1988	Oxythioquinox	2439012	August 20, 1999
5-Nitro-o-anisidine	99592	October 1, 1989	Palygorskite fibers (>5µm in length)	12174117	December 28, 1999
o-Nitroanisole	91236	October 1, 1992	Panfuran S	794934	January 1, 1988
Nitrobenzene	98953	August 26, 1997	Pentachlorophenol	87865	January 1, 1990
4-Nitrobiphenyl	92933	April 1, 1988	Phenacetin	62442	October 1, 1989
6-Nitrochrysene	7496028	October 1, 1990	Phenazopyridine	94780	January 1, 1988
Nitrofen (technical grade)	1836755	January 1, 1988	Phenazopyridine hydrochloride	136403	January 1, 1988
2-Nitrofluorene	607578	October 1, 1990	Phenesterin	3546109	July 1, 1989
Nitrofurazone	59870	January 1, 1990	Phenobarbital	50066	January 1, 1990
1-[(5-Nitrofurfurylidene)-amino]- 2-imidazolidinone	555840	April 1, 1988	Phenolphthalein	77098	May 15, 1998
N-[4-(5-Nitro-2-furyl)-2- thiazolyl]acetamide	531828	April 1, 1988	Phenoxybenzamine	59961	April 1, 1988
Nitrogen mustard (Mechlorethamine)	51752	January 1, 1988	Phenoxybenzamine hydrochloride	63923	April 1, 1988
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55867	April 1, 1988	o-Phenylenediamine and its salts	95545	May 15, 1998
Nitrogen mustard N-oxide	126852	April 1, 1988	Phenyl glycidyl ether	122601	October 1, 1990
Nitrogen mustard N-oxide hydrochloride	302705	April 1, 1988	Phenylhydrazine and its salts	—	July 1, 1992
Nitromethane	75525	May 1, 1997	o-Phenylphenate, sodium	132274	January 1, 1990
2-Nitropropane	79469	January 1, 1988	o-Phenylphenol	90437	August 4, 2000
1-Nitropyrene	5522430	October 1, 1990	PhiP(2-Amino-1-methyl-6- phenylimidazol[4,5-b] pyridine)	105650235	October 1, 1994
4-Nitropyrene	57835924	October 1, 1990	Polybrominated biphenyls	—	January 1, 1988
N-Nitrosodi-n-butylamine	924163	October 1, 1987	Polychlorinated biphenyls	—	October 1, 1989
N-Nitrosodiethanolamine	1116547	January 1, 1988	Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988
N-Nitrosodiethylamine	55185	October 1, 1987	Polychlorinated dibenzo-p-dioxins	—	October 1, 1992
N-Nitrosodimethylamine	62759	October 1, 1987	Polychlorinated dibenzofurans	—	October 1, 1992
p-Nitrosodiphenylamine	156105	January 1, 1988	Polygeenan	53973981	January 1, 1988
N-Nitrosodiphenylamine	86306	April 1, 1988	Ponceau MX	3761533	April 1, 1988
N-Nitrosodi-n-propylamine	621647	January 1, 1988	Ponceau 3R	3564098	April 1, 1988
N-Nitroso-N-ethylurea	759739	October 1, 1987	Potassium bromate	7758012	January 1, 1990
3-(N-Nitrosomethylamino) propionitrile	60153493	April 1, 1990	Primidone	125337	August 20, 1999
4-(N-Nitrosomethylam- ino)-1-(3-pyridyl)1- butanone	64091914	April 1, 1990	Procabazine	671169	January 1, 1988
N-Nitrosomethylethyl- amine	10595956	October 1, 1989	Procabazine hydrochloride	366701	January 1, 1988
N-Nitroso-N-methylurea	684935	October 1, 1987	Procymidone	32809168	October 1, 1994
N-Nitroso-N-methylurethane	615532	April 1, 1988	Progesterone	57830	January 1, 1988
N-Nitrosomethylvinyl- amine	4549400	January 1, 1988	Pronamide	23950585	May 1, 1996
N-Nitrosomorpholine	59892	January 1, 1988	Propachlor	1918167	February 27, 2001
N-Nitrosornicotine	16543558	January 1, 1988	1,3-Propane sultone	1120714	January 1, 1988
N-Nitrosopiperidine	100754	January 1, 1988	Propargite	2312358	October 1, 1994
N-Nitrosopyrrolidine	930552	October 1, 1987	beta-Propiolactone	57578	January 1, 1988
N-Nitrososarcosine	13256229	January 1, 1988	Propylene glycol mono- <i>t</i> -butyl ether	57018527	June 11, 2004
o-Nitrotoluene	88722	May 15, 1998	Propylene oxide	75569	October 1, 1988
Norethisterone (Norethin- drone)	68224	October 1, 1989	Propylthiouracil	51525	January 1, 1988
Norethynodrel	68235	February 27, 2001	Pyridine	110861	May 17, 2002
Ochratoxin A	303479	July 1, 1990	Quinoline and its strong acid salts	—	October 24, 1997
Oil Orange SS	2646175	April 1, 1988	Radionuclides	—	July 1, 1989
Oral contraceptives, combined	—	October 1, 1989	Reserpine	50555	October 1, 1989
Oral contraceptives, sequential	—	October 1, 1989	Residual (heavy) fuel oils	—	October 1, 1990
			Riddelliine	23246960	December 3, 2004



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Saccharin		
<u>Delisted April 6, 2001</u>	81072	<del>October 1, 1989</del>
Saccharin, sodium		
<u>Delisted January 17, 2003</u>	<del>128449</del>	<del>January 1, 1988</del>
Safrole	94597	January 1, 1988
Salicylazosulfapyridine	599791	May 15, 1998
Selenium sulfide	7446346	October 1, 1989
Shale-oils	68308349	April 1, 1990
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987
Spironolactone	52017	May 1, 1997
Stanozolol	10418038	May 1, 1997
Sterigmatocystin	10048132	April 1, 1988
Streptozotocin (streptozocin)	18883664	January 1, 1988
Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003
Styrene oxide	96093	October 1, 1988
Sulfallate	95067	January 1, 1988
Talc containing asbestiform fibers	—	April 1, 1990
Tamoxifen and its salts	10540291	September 1, 1996
Terrazole	2593159	October 1, 1994
Testosterone and its esters	58220	April 1, 1988
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	1746016	January 1, 1988
1,1,2,2-Tetrachloroethane	79345	July 1, 1990
Tetrachloroethylene		
(Perchloroethylene)	127184	April 1, 1988
p-a,a,a-Tetrachloro-toluene	5216251	January 1, 1990
Tetrafluoroethylene	116143	May 1, 1997
Tetranitromethane	509148	July 1, 1990
Thioacetamide	62555	January 1, 1988
4,4'-Thiodianiline	139651	April 1, 1988
Thiodicarb	59669260	August 20, 1999
Thiouracil	141902	June 11, 2004
Thiourea	62566	January 1, 1988
Thorium dioxide	1314201	February 27, 1987
Tobacco, oral use of smokeless products	—	April 1, 1988
Tobacco smoke	—	April 1, 1988
Toluene diisocyanate	26471625	October 1, 1989
ortho-Toluidine	95534	January 1, 1988
ortho-Toluidine hydrochloride	636215	January 1, 1988
para-Toluidine		
<u>Delisted October 29, 1999</u>	<del>106490</del>	<del>January 1, 1990</del>
Toxaphene (Polychlorinated camphenes)	8001352	January 1, 1988
Treosulfan	299752	February 27, 1987
Trichlormethine (Trimustine hydrochloride)	817094	January 1, 1992
Trichloroethylene	79016	April 1, 1988
2,4,6-Trichlorophenol	88062	January 1, 1988
1,2,3-Trichloropropane	96184	October 1, 1992
Trimethyl phosphate	512561	May 1, 1996
2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997
Triphenyltin hydroxide	76879	July 1, 1992
Tris(aziridinyl)-para-benzoquinone (Triaziquone)	68768	October 1, 1989

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	52244	January 1, 1988
Tris(2-chloroethyl) phosphate	115968	April 1, 1992
Tris(2,3-dibromopropyl)phosphate	126727	January 1, 1988
Trp-P-1 (Tryptophan-P-1)	62450060	April 1, 1988
Trp-P-2 (Tryptophan-P-2)	62450071	April 1, 1988
Trypan blue (commercial grade)	72571	October 1, 1989
Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Uracil mustard	66751	April 1, 1988
Urethane (Ethyl carbamate)	51796	January 1, 1988
Vanadium pentoxide (orthorhombic crystalline form)	1314621	February 11, 2005
Vinclozolin	50471448	August 20, 1999
Vinyl bromide	593602	October 1, 1988
Vinyl chloride	75014	February 27, 1987
4-Vinylcyclohexene	100403	May 1, 1996
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106876	July 1, 1990
Vinyl fluoride	75025	May 1, 1997
Vinyl trichloride (1,1,2-Trichloroethane)	79005	October 1, 1990
2,6-Xylidine (2,6-Dimethylaniline)	87627	January 1, 1991
Zileuton	111406872	December 22, 2000
Zineb		
<u>Delisted October 29, 1999</u>	<del>12122677</del>	<del>January 1, 1990</del>

**CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY**

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Acetazolamide	developmental	59665	August 20, 1999
Acetohydroxamic acid	developmental	546883	April 1, 1990
Actinomycin D	developmental	50760	October 1, 1992
All-trans retinoic acid	developmental	302794	January 1, 1989
Alprazolam	developmental	28981977	July 1, 1990
Altretamine	developmental, male	645056	August 20, 1999
Amantadine hydrochloride	developmental	665667	February 27, 2001
Amikacin sulfate	developmental	39831555	July 1, 1990
Aminoglutethimide	developmental	125848	July 1, 1990
Aminoglycosides	developmental	—	October 1, 1992
Aminopterin	developmental, female	54626	July 1, 1987
Amiodarone hydrochloride	developmental, female, male	19774824	August 26, 1997
Amitraz	developmental	33089611	March 30, 1999
Amoxapine	developmental	14028445	May 15, 1998
Anabolic steroids	female, male	—	April 1, 1990
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992
Anisindione	developmental	117373	October 1, 1992
Arsenic (inorganic oxides)	developmental	—	May 1, 1997

# CALIFORNIA REGULATORY NOTICE REGISTER 2005, VOLUME NO. 20-Z

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>	<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50782	July 1, 1990	Cyclophosphamide (anhydrous)	developmental, female, male	50180	January 1, 1989
Atenolol	developmental	29122687	August 26, 1997	Cyclophosphamide (hydrated)	developmental, female, male	6055192	January 1, 1989
Auranofin	developmental	34031328	January 29, 1999	Cyhexatin	developmental	13121705	January 1, 1989
Azathioprine	developmental	446866	September 1, 1996	Cytarabine	developmental	147944	January 1, 1989
Barbiturates	developmental	—	October 1, 1992	Dacarbazine	developmental	4342034	January 29, 1999
Beclomethasone dipropionate	developmental	5534098	May 15, 1998	Danazol	developmental	17230885	April 1, 1990
Benomyl	developmental, male	17804352	July 1, 1991	Daunorubicin hydrochloride	developmental	23541506	July 1, 1990
Benzene	developmental, male	71432	December 26, 1997	2,4-D butyric acid	<del>developmental, male</del>	94826	June 18, 1999
Benzodiazepines	developmental	—	October 1, 1992	o,p' -DDT	developmental, female, male	789026	May 15, 1998
Benzphetamine hydrochloride	developmental	5411223	April 1, 1990	p,p' -DDT	developmental, female, male	50293	May 15, 1998
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154938	July 1, 1990	<del>2,4-DP (dichloroprop)</del>	<del>developmental</del>	<del>120265</del>	<del>April 27, 1999</del>
Bromacil lithium salt	developmental, male	53404196	May 18, 1999	<del>Delisted January 25, 2002</del>			
1-Bromopropane	developmental, female, male	106945	December 7, 2004	Demeclocycline hydrochloride (internal use)	developmental	64733	January 1, 1992
Bromoxynil	developmental	1689845	October 1, 1990	Diazepam	developmental	439145	January 1, 1992
Bromoxynil octanoate	developmental	1689992	May 18, 1999	Diazoxide	developmental	364987	February 27, 2001
Butabarbital sodium	developmental	143817	October 1, 1992	1,2-Dibromo-3-chloropropane (DBCP)	male	96128	February 27, 1987
1,3-Butadiene	developmental, female, male	106990	April 16, 2004	Dichlorophene	developmental	97234	April 27, 1999
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental	55981	January 1, 1989	Dichlorophenamide	developmental	120978	February 27, 2001
Cadmium	developmental, male	—	May 1, 1997	Diclofop methyl	developmental	51338273	March 5, 1999
Carbamazepine	developmental	298464	January 29, 1999	Dicumarol	developmental	66762	October 1, 1992
Carbon disulfide	developmental, female, male	75150	July 1, 1989	Di(2-ethylhexyl)phthalate (DEHP)	developmental, male	117817	October 24, 2003
Carbon monoxide	developmental	630080	July 1, 1989	Diethylstilbestrol (DES)	developmental	56531	July 1, 1987
Carboplatin	developmental	41575944	July 1, 1990	Diffunisal	developmental, female	22494424	January 29, 1999
Chenodiol	developmental	474259	April 1, 1990	Dihydroergotamine mesylate	developmental	6190392	May 1, 1997
Chinomethionat (Oxythioquinox)	developmental	2439012	November 6, 1998	Diltiazem hydrochloride	developmental	33286225	February 27, 2001
Chlorambucil	developmental	305033	January 1, 1989	m-Dinitrobenzene	male	99650	July 1, 1990
Chlorcyclizine hydrochloride	developmental	1620219	July 1, 1987	o-Dinitrobenzene	male	528290	July 1, 1990
Chlordecone (Kepone)	developmental	143500	January 1, 1989	p-Dinitrobenzene	male	100254	July 1, 1990
Chlordiazepoxide	developmental	58253	January 1, 1992	2,4-Dinitrotoluene	male	121142	August 20, 1999
Chlordiazepoxide hydrochloride	developmental	438415	January 1, 1992	2,6-Dinitrotoluene	male	606202	August 20, 1999
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	developmental	13010474	July 1, 1990	Dinitrotoluene (technical grade)	female, male	—	August 20, 1999
Chlorsulfuron	developmental, female, male	64902723	May 14, 1999	Dinocap	developmental	39300453	April 1, 1990
Cidofovir	developmental, female, male	113852372	January 29, 1999	Dinoseb	developmental, male	88857	January 1, 1989
Cladribine	developmental	4291638	September 1, 1996	Diphenylhydantoin (Phenytoin)	developmental	57410	July 1, 1987
Clarithromycin	developmental	81103119	May 1, 1997	Disodium cyanodithioimidocarbonate	developmental	138932	March 30, 1999
Clobetasol propionate	developmental, female	25122467	May 15, 1998	Doxorubicin hydrochloride	developmental, male	23214928	January 29, 1999
Clomiphene citrate	developmental	50419	April 1, 1990	Doxycycline (internal use)	developmental	564250	July 1, 1990
Clorazepate dipotassium	developmental	57109907	October 1, 1992	Doxycycline calcium (internal use)	developmental	94088854	January 1, 1992
Cocaine	developmental, female	50362	July 1, 1989	Doxycycline hyclate (internal use)	developmental	24390145	October 1, 1991
Codeine phosphate	developmental	52288	May 15, 1998	Doxycycline monohydrate (internal use)	developmental	17086281	October 1, 1991
Colchicine	developmental, male	64868	October 1, 1992	Endrin	developmental	72208	May 15, 1998
Conjugated estrogens	developmental	—	April 1, 1990	Epichlorohydrin	male	106898	September 1, 1996
Cyanazine	developmental	21725462	April 1, 1990	Ergotamine tartrate	developmental	379793	April 1, 1990
Cycloate	developmental	1134232	March 19, 1999	Estropipate	developmental	7280377	August 26, 1997
<del>Cyclohexanol</del>	<del>male</del>	<del>108930</del>	<del>November 6, 1998</del>	Ethionamide	developmental	536334	August 26, 1997
<del>Delisted January 25, 2002</del>				Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987
Cycloheximide	developmental	66819	January 1, 1989	Ethyl dipropylthiocarbamate	developmental	759944	April 27, 1999
				Ethylene dibromide	developmental, male	106934	May 15, 1998
				Ethylene glycol monoethyl ether	developmental, male	110805	January 1, 1989
				Ethylene glycol monomethyl ether	developmental, male	109864	January 1, 1989
				Ethylene glycol monoethyl ether acetate	developmental, male	111159	January 1, 1993
				Ethylene glycol monomethyl ether acetate	developmental, male	110496	January 1, 1993
				Ethylene oxide	female	75218	February 27, 1987
				Ethylene thiourea	developmental	96457	January 1, 1993

# CALIFORNIA REGULATORY NOTICE REGISTER 2005, VOLUME NO. 20-Z

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>	<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Etodolac	developmental, female	41340254	August 20, 1999	Minocycline hydrochloride (internal use)	developmental	13614987	January 1, 1992
Etoposide	developmental	33419420	July 1, 1990	Misoprostol	developmental	59122462	April 1, 1990
Etretinate	developmental	54350480	July 1, 1987	Mitoxantrone hydrochloride	developmental	70476823	July 1, 1990
Fenoxaprop ethyl	developmental	66441234	March 26, 1999	Myclobutanil	developmental, male	88671890	April 16, 1999
Filgrastim	developmental	121181531	February 27, 2001	Nabam	developmental	142596	March 30, 1999
Fluazifop butyl	developmental	69806504	November 6, 1998	Nafarelin acetate	developmental	86220420	April 1, 1990
Flunisolide	developmental, female	3385033	May 15, 1998	Neomycin sulfate (internal use)	developmental	1405103	October 1, 1992
Fluorouracil	developmental	51218	January 1, 1989	Netilmicin sulfate	developmental	56391572	July 1, 1990
Fluoxymesterone	developmental	76437	April 1, 1990	Nickel carbonyl	developmental	13463393	September 1, 1996
Flurazepam hydrochloride	developmental	1172185	October 1, 1992	Nicotine	developmental	54115	April 1, 1990
Flurbiprofen	developmental, female	5104494	August 20, 1999	Nifedipine	developmental, female, male	21829254	January 29, 1999
Flutamide	developmental	13311847	July 1, 1990	Nimodipine	developmental	66085594	April 24, 2001
Fluticasone propionate	developmental	80474142	May 15, 1998	Nitrapyrin	developmental	1929824	March 30, 1999
Fluvalinate	developmental	69409945	November 6, 1998	Nitrofurantoin	male	67209	April 1, 1991
Ganciclovir sodium	developmental, male	82410320	August 26, 1997	Nitrogen mustard (Mechlorethamine)	developmental	51752	January 1, 1989
Gemfibrozil	female, male	25812300	August 20, 1999	Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55867	July 1, 1990
Goserelin acetate	developmental, female, male	65807025	August 26, 1997	Norethisterone (Norethindrone)	developmental	68224	April 1, 1990
Halazepam	developmental	23092173	July 1, 1990	Norethisterone acetate (Norethindrone acetate)	developmental	51989	October 1, 1991
Halobetasol propionate	developmental	66852548	August 20, 1999	Norethisterone (Norethindrone)/Ethinyl estradiol	developmental	68224/57636	April 1, 1990
Haloperidol	developmental, female	52868	January 29, 1999	Norethisterone (Norethindrone)/Mestranol	developmental	68224/72333	April 1, 1990
Halothane	developmental	151677	September 1, 1996	Norgestrel	developmental	6533002	April 1, 1990
Heptachlor	developmental	76448	August 20, 1999	Oxadiazon	developmental	19666309	May 15, 1998
Hexachlorobenzene	developmental	118741	January 1, 1989	Oxazepam	developmental	604751	October 1, 1992
Hexamethylphosphoramide	male	680319	October 1, 1994	Oxydemeton methyl	female, male	301122	November 6, 1998
Histrelin acetate	developmental	—	May 15, 1998	Oxymetholone	developmental	434071	May 1, 1997
Hydramethylnon	developmental, male	67485294	March 5, 1999	Oxytetracycline (internal use)	developmental	79572	January 1, 1991
Hydroxyurea	developmental	127071	May 1, 1997	Oxytetracycline hydrochloride (internal use)	developmental	2058460	October 1, 1991
Idarubicin hydrochloride	developmental, male	57852570	August 20, 1999	Paclitaxel	developmental, female, male	33069624	August 26, 1997
Ifosfamide	developmental	3778732	July 1, 1990	Paramethadione	developmental	115673	July 1, 1990
Iodine-131	developmental	10043660	January 1, 1989	Penicillamine	developmental	52675	January 1, 1991
Isotretinoin	developmental	4759482	July 1, 1987	Pentobarbital sodium	developmental	57330	July 1, 1990
Lead	developmental, female, male	—	February 27, 1987	Pentostatin	developmental	53910251	September 1, 1996
Leuprolide acetate	developmental, female, male	74381536	August 26, 1997	Phenacemide	developmental	63989	July 1, 1990
Levodopa	developmental	59927	January 29, 1999	Phenprocoumon	developmental	435972	October 1, 1992
Levonorgestrel implants	female	797637	May 15, 1998	Pimozide	developmental, female	2062784	August 20, 1999
Linuron	developmental	330552	March 19, 1999	Pipobroman	developmental	54911	July 1, 1990
Lithium carbonate	developmental	554132	January 1, 1991	Plicamycin	developmental	18378897	April 1, 1990
Lithium citrate	developmental	919164	January 1, 1991	Polybrominated biphenyls	developmental	—	October 1, 1994
Lorazepam	developmental	846491	July 1, 1990	Polychlorinated biphenyls	developmental	—	January 1, 1991
Lovastatin	developmental	75330755	October 1, 1992	Potassium dimethyldithio-carbamate	developmental	128030	March 30, 1999
Mebendazole	developmental	31431397	August 20, 1999	Pravastatin sodium	developmental	81131706	March 3, 2000
Medroxyprogesterone acetate	developmental	71589	April 1, 1990	Prednisolone sodium phosphate	developmental	125020	August 20, 1999
Megestrol acetate	developmental	595335	January 1, 1991	Procabazine hydrochloride	developmental	366701	July 1, 1990
Melphalan	developmental	148823	July 1, 1990	Propargite	developmental	2312358	June 15, 1999
Menotropins	developmental	9002680	April 1, 1990	Propylthiouracil	developmental	51525	July 1, 1990
Meprobamate	developmental	57534	January 1, 1992	Pyrimethamine	developmental	58140	January 29, 1999
Mercaptopurine	developmental	6112761	July 1, 1990	Quazepam	developmental	36735225	August 26, 1997
Mercury and mercury compounds	developmental	—	July 1, 1990	Quizalofop-ethyl	male	76578148	December 24, 1999
Methacycline hydrochloride	developmental	3963959	January 1, 1991				
Metham sodium	developmental	137428	May 15, 1998				
Methazole	developmental	20354261	December 1, 1999				
Methimazole	developmental	60560	July 1, 1990				
Methotrexate	developmental	59052	January 1, 1989				
Methotrexate sodium	developmental	15475566	April 1, 1990				
Methyl bromide as a structural fumigant	developmental	74839	January 1, 1993				
Methyl chloride	developmental	74873	March 10, 2000				
Methyl mercury	developmental	—	July 1, 1987				
N-Methylpyrrolidone	developmental	872504	June 15, 2001				
Methyltestosterone	developmental	58184	April 1, 1990				
Metiram	developmental	9006422	March 30, 1999				
Midazolam hydrochloride	developmental	59467968	July 1, 1990				

Chemical	Type of Reproductive Toxicity	CAS No.	Date Listed
Resmethrin	developmental	10453868	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Ribavirin	developmental	36791045	April 1, 1990
Rifampin	male	36791045	February 27, 2001
	developmental, female	13292461	February 27, 2001
Secobarbital sodium	developmental	309433	October 1, 1992
Sermorelin acetate	developmental	—	August 20, 1999
Sodium dimethyldithiocarbamate	developmental	128041	March 30, 1999
Sodium fluoroacetate	male	62748	November 6, 1998
Streptomycin sulfate	developmental	3810740	January 1, 1991
Streptozocin (streptozotocin)	developmental, female, male	18883664	August 20, 1999
Sulfasalazine	male	599791	January 29, 1999
Sulindac	developmental, female	38194502	January 29, 1999
Tamoxifen citrate	developmental	54965241	July 1, 1990
Temazepam	developmental	846504	April 1, 1990
Teniposide	developmental	29767202	September 1, 1996
Terbacil	developmental	5902512	May 18, 1999
Testosterone cypionate	developmental	58208	October 1, 1991
Testosterone enanthate	developmental	315377	April 1, 1990
2,3,7,8-Tetrachlorodibenzo- paradoxin (TCDD)	developmental	1746016	April 1, 1991
Tetracycline (internal use)	developmental	60548	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64755	January 1, 1991
Thalidomide	developmental	50351	July 1, 1987
Thioguanine	developmental	154427	July 1, 1990
Thiophanate methyl	female, male	23564058	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Tobramycin sulfate	developmental	49842071	July 1, 1990
Toluene	developmental	108883	January 1, 1991
Triadimefon	developmental, female, male	43121433	March 30, 1999
Triazolam	developmental	28911015	April 1, 1990
Tributyltin methacrylate	developmental	2155706	December 1, 1999
Trientine hydrochloride	developmental	38260014	February 27, 2001
Triforine	developmental	26644462	June 18, 1999
Trilostane	developmental	13647353	April 1, 1990
Trimethadione	developmental	127480	January 1, 1991
Trimetrexate glucuronate	developmental	82952645	August 26, 1997
Triphenyltin hydroxide	developmental	76879	March 18, 2002
Uracil mustard	developmental, female, male	66751	January 1, 1992
Urethane	developmental	51796	October 1, 1994
Urofollitropin	developmental	97048130	April 1, 1990
Valproate (Valproic acid)	developmental	99661	July 1, 1987
Vinblastine sulfate	developmental	143679	July 1, 1990
Vinclozolin	developmental	50471448	May 15, 1998
Vincristine sulfate	developmental	2068782	July 1, 1990
Warfarin	developmental	81812	July 1, 1987
Zileuton	developmental, female	111406872	December 22, 2000

Date: May 20, 2005

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC  
ENFORCEMENT ACT OF 1986  
(Proposition 65)

NOTICE TO INTERESTED PARTIES

CHEMICALS LISTED EFFECTIVE

**May 20, 2005**

AS KNOWN TO THE STATE OF CALIFORNIA  
TO CAUSE CANCER

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is adding *cobalt sulfate* (CAS No. 10124-43-3) and *diazoaminobenzene* (CAS No. 136-35-6) to the list of chemicals known to the state to cause cancer for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Health and Safety Code section 25249.5, Proposition 65). The listing of *cobalt sulfate* and *diazoaminobenzene* is effective May 20, 2005.

Health and Safety Code section 25249.8(a) requires that certain substances identified by the International Agency for Research on Cancer (IARC) or the National Toxicology Program (NTP), as described in Labor Code sections 6382(b)(1) and (d), be included on the Proposition 65 list. Labor Code section 6382(b)(1) references substances identified as human or animal carcinogens by IARC, and Labor Code section 6382(d) references substances identified as carcinogens or potential carcinogens by IARC or NTP. *Cobalt sulfate* and *diazoaminobenzene* were identified by the NTP as reasonably anticipated to be human carcinogens.

The basis for the listing of *cobalt sulfate* and *diazoaminobenzene* on the Proposition 65 list was described in OEHHA's Request for Comments on Proposed Listing of *Cobalt sulfate* and *Diazoaminobenzene* As Known to Cause Cancer published in the March 18, 2005, issue of the *California Regulatory Notice Register* (Register 2005, No. 11-Z). Specifically, in 2005, NTP issued the *Eleventh Report on Carcinogens* available at (<http://ntp.niehs.nih.gov/ntp/roc/toc11.html>). In this report, the NTP concluded that "Cobalt sulfate is reasonably anticipated to be a human carcinogen based on sufficient evidence of carcinogenicity in experimental animals." In the same report, the NTP concluded that diazoaminobenzene (DAAB) is "reasonably anticipated to be a human carcinogen based on evidence from studies in animals and with human tissue demonstrating that DAAB is metabolized to benzene, a known human carcinogen, and on evidence that



DAAB causes genetic damage.” No public comment regarding the listing of these chemicals was received during the 30-day public comment period which closed on April 18, 2005.

OEHHA analyses of dose-response data to establish the no significant risk levels (NSRLs) for these chemicals under Proposition 65 have not been conducted. The priority status of the development of such analyses will be announced in a future OEHHA *Proposition 65 Status Report for Safe Harbor Levels*, available at <http://www.oehha.ca.gov/prop65.html>.

A complete, updated Proposition 65 list is published elsewhere in this issue of the *California Regulatory Notice Register*.

Cancer

Chemical	CAS No.	Toxicological Endpoint	Listing Mechanism <sup>1</sup>
Cobalt sulfate	10124-43-3	Cancer	LC
Diazoaminobenzene	136-35-6	Cancer	LC

<sup>1</sup> Listing mechanism:

LC—“Labor Code” mechanism (Labor Code sections 6382(b)(1) and (d))

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

#### BOARD OF EDUCATION Supplemental Services

The regulatory action deals with supplemental services pursuant to the No Child Left Behind Act of 2001.

Title 5  
California Code of Regulations  
ADOPT: 3075.1, 13075.2, 13075.3, 13075.4  
AMEND: 13075  
Filed 05/06/05  
Effective 05/06/05  
Agency Contact: Debra Strain (916) 319-0641

#### BOARD OF EQUALIZATION

##### Conflict of Interest Codes

This filing updates the Board’s conflict of interest code regulation. It was approved by the FPPC on 2/24/05.

Title 18  
California Code of Regulations  
AMEND: 6001  
Filed 05/04/05  
Effective 06/03/05  
Agency Contact:  
Joann Richmond (916) 322-1931

#### BOARD OF GUIDE DOGS FOR THE BLIND

##### Arbitration Procedures

This regulatory action specifies procedures that guide dog training schools must follow to give notice to the guide dog user if the school decides not to permit the continued use of a guide dog by its user. This action also specifies the requirements that must be met in order to utilize the arbitration procedure for disputes related to the continued use of a guide dog by its user.

Title 16  
California Code of Regulations  
ADOPT: 2293, 2294  
Filed 05/10/05  
Effective 06/09/05  
Agency Contact:  
Harry L. Thomas (916) 324-9328

#### COMMISSION ON TEACHER CREDENTIALING

##### Multiple Subject, Single Subject or Education Specialist Short-Term Staff

The regulatory action deals with multiple subject, single subject or education specialist short-term staff permits and multiple subject, single subject or education specialist provisional internship permits.

Title 5  
California Code of Regulations  
ADOPT: 80021, 80021.1  
Filed 05/05/05  
Effective 06/04/05  
Agency Contact: Dale Janssen (916) 323-5065

#### DEPARTMENT OF FOOD AND AGRICULTURE

##### Direct Marketing—Sprouts/Organic Certification/Market Certification

This regulatory action defines the word “sprouts”, requires posting requirements of registration and certification for persons selling organic products at certified farmers’ markets, and requires operators of certified farmers’ markets to possess a valid certified farmers’ market certificate.

Title 3  
California Code of Regulations  
ADOPT: 1392.2(t), 1392.4(h), 1392.4(i), 1392.4(j),

1392.9(c), 1392.9(d),

Filed 05/09/05

Effective 06/08/05

Agency Contact:

Janice L. Price

(916) 654-0919

#### DEPARTMENT OF JUSTICE

(Dept. of Real Estate) Prepaid Rental Listing Service Bond

This is a surety bond form of the Department of Real Estate concerning Prepaid Rental Listing Service Bond. The action is submitted for filing with the Secretary of State and printing only.

Title 11

California Code of Regulations

ADOPT: 61.8

Filed 05/04/05

Effective 05/04/05

Agency Contact: Anne M. Burr (415) 703-1403

#### DEPARTMENT OF JUSTICE

(DMV) Vehicle Verifier Surety Bond

This is a surety bond form of the Department of Motor Vehicles concerning Vehicle Verifier Surety Bond. This is submitted for filing with the Secretary of State and printing only.

Title 11

California Code of Regulations

AMEND: 51.2

Filed 05/04/05

Effective 05/04/05

Agency Contact: Anne M. Burr (415) 703-1403

#### DEPARTMENT OF JUSTICE

(DMV) Dealer Surety Bond

This is a Department of Motor Vehicle surety bond form concerning dealer surety bond. This is submitted for filing with the Secretary of State and printing only.

Title 11

California Code of Regulations

AMEND: 51.7

Filed 05/04/05

Effective 05/04/05

Agency Contact: Anne M. Burr (415) 703-1403

#### DEPARTMENT OF JUSTICE

Driving School Owner, Etc Principal Surety Bond

This is a surety bond form of the Department of Motor Vehicles for driving school owner or all-terrain vehicle safety training organization. This action is submitted for filing with the Secretary of State and printing only.

Title 11

California Code of Regulations

ADOPT: 51.25

Filed 05/04/05

Effective 05/04/05

Agency Contact: Anne M. Burr (415) 703-1403

#### DEPARTMENT OF JUSTICE

Charitable Trusts

The Department of Justice is adopting section 28.4, title 11, California Code of Regulations (Registry of Charitable Trusts Surety Bond Form).

Title 11

California Code of Regulations

ADOPT: 28.4

Filed 05/09/05

Effective 05/09/05

Agency Contact: Anne M. Burr (415) 703-1403

#### DEPARTMENT OF JUSTICE

Bond for Completion of Common Facilities

The Department of Justice is submitting this Bond for Completion of Common Facilities for the Department of Real Estate. This is submitted for printing only.

Title 11

California Code of Regulations

ADOPT: 61.9

Filed 05/11/05

Effective 05/11/05

Agency Contact: Anne M. Burr (415) 703-1403

#### DEPARTMENT OF JUSTICE

(DMV) Motor Vehicle Ownership Surety Bond

This is a surety bond form of the Department of Motor Vehicles concerning Motor Vehicle Ownership Surety Bond. This is submitted for filing with the Secretary of State and printing only.

Title 11

California Code of Regulations

ADOPT: 51.23

Filed 05/04/05

Effective 05/04/05

Agency Contact: Anne M. Burr (415) 703-1403

#### DEPARTMENT OF REAL ESTATE

Time-share Regulation

This regulatory action is to repeal, amend and adopt the listed sections of Title 10, Chapter 6 in order to implement the Vacation Ownership and Time-share Act of 2004. The Vacation Ownership and Time-share Act of 2004 (Chapter 697 of the Statutes of 2004) enacted a new statutory approach to the qualifications and registration of time-share sales programs in California. In addition, the Act repealed existing statutes relating to time-shares. All of the current regulations relating to time-shares no longer have any statutory authority. The purpose of these new regulations is to implement the new components of the Vacation Ownership and Time-share Act of 2004.

**Title 10**

California Code of Regulations

ADOPT: 2805, 2805.5, 2805.9, 2805.11, 2806, 2807, 2807.1, 2807.2, 2807.3, 2807.4, 2808, 2809, 2809.1, 2809.2, 2809.3, 2809.5, 2810, 2810.5, 2811  
AMEND: 2814 REPEAL: 2805, 2805.1, 2805.1.5, 2806, 2806.5, 2810, 2810.1, 2810.2, 2810.3, 2810.4, 2810.6, 28

Filed 05/05/05

Effective 07/01/05

Agency Contact: David B. Seals (916) 227-0789

**DEPARTMENT OF SOCIAL SERVICES**

Records Reproduction/Removal in Licensed CCL Facilities

This regulatory action adopts procedures for the inspection and copying of various records maintained by licensees.

**Title 22, MPP**

California Code of Regulations

AMEND: 80044, 80045, 80066, 80070, 84063, 87344, 87345, 87566, 87570, 87571, 87725, 87725.12, 87844, 87866, 87870, 88069.7, 88070, 89119, 89182, 89244, 89245, 89370, 89566, 101200, 101201, 101217, 101221, 102391, 102392  
Filed 05/09/05

Effective 06/08/05

Agency Contact: Alison Garcia (916) 657-2586

**EDUCATION AUDIT APPEALS PANEL**

Audits of K-12 Local Education Agencies FY 05-06

This emergency action adopts the FY 05/06 audit guide for the annual audit of local education agencies (LEA) pursuant to the mandate of Education Code section 41020.

**Title 5**

California Code of Regulations

ADOPT: 19850, 19851, 19852, 19853, 19854  
AMEND: 19813, 19814, 19814.1

Filed 05/06/05

Effective 05/06/05

Agency Contact:

Carolyn Pirillo (916) 445-7745

**FISH AND GAME COMMISSION**

Private Land Wildlife Habitat Enhancement and Management Area License

This nonsubstantive filing increased specified fees for Private Lands Wildlife Habitat Enhancement and Management Area ("PLM") licenses and tags pursuant to Fish and Game Code section 713. Nonsubstantive changes were also made to three incorporated by

reference forms in order to have the fee amounts in the forms match the fee amounts in the regulation. A spelling correction of "anterless" to "antlerless" in the regulation was also made in this filing.

**Title 14**

California Code of Regulations

AMEND: 601

Filed 05/11/05

Effective 06/10/05

Agency Contact: Jon Snellstrom (916) 653-4899

**FISH AND GAME COMMISSION**

Exchanging of Sport-Caught Fish

This nonsubstantive filing increases the fee for the exchanging of sport-caught fish from \$50 to \$50.75 pursuant to Fish and Game Code section 713.

**Title 14**

California Code of Regulations

AMEND: 231

Filed 05/11/05

Effective 06/10/05

Agency Contact: Jon Snellstrom (916) 653-4899

**FISH AND GAME COMMISSION**

Control Dates for Other Nearshore Species; Permits to Commercially

This regulatory action updates the Deeper Water Nearshore Species Fishery Permit fees. These fees are based on the Implicit Price Deflator as required by statute and are a change without regulatory effect.

**Title 14**

California Code of Regulations

AMEND: 150.02

Filed 05/10/05

Effective 06/09/05

Agency Contact: Jon Snellstrom (916) 653-4899

**FISH AND GAME COMMISSION**

Nearshore Fishery Gear Endorsement Program

This amendment is a change without regulatory effect by the Commission pursuant to section 713 of the Fish and Game Code. The amendment increases the annual Nearshore Fishery Permit gear endorsement fee from \$75 to \$76.25 based on the Implicit Price Deflator (IPD) for State and Local Government Purchases of Goods and Services as required by Fish and Game Code section 713.

**Title 14**

California Code of Regulations

AMEND: 150.03

Filed 05/11/05

Effective 06/10/05

Agency Contact: Jon Snellstrom (916) 653-4899

**FISH AND GAME COMMISSION**  
**Nearshore Fishery Bycatch Permit Program**

This amendment is a change without regulatory effect by the Commission pursuant to section 713 of the Fish and Game Code. The amendment increases the annual Nearshore Fishery Bycatch Permit annual fee from \$200 to \$203, based on the Implicit Price Deflator (IPD) for State and Local Government Purchases of Goods and Services as required by Fish and Game Code section 713.

Title 14  
California Code of Regulations  
AMEND: 150.05  
Filed 05/11/05  
Effective 06/10/05  
Agency Contact: Jon Snellstrom (916) 653-4899

**FISH AND GAME COMMISSION**  
**Harvesting of Kelp and other Aquatic Plants**

This action deletes mention of the amount of the commercial kelp harvesting license fee from section 165 of the Commission's regulations, replacing it with a reference to Section 6651 of the Fish and Game Code, which specifies the amount of the license fee.

Title 14  
California Code of Regulations  
AMEND: 165  
Filed 05/05/05  
Effective 05/05/05  
Agency Contact: Jon Snellstrom (916) 653-4899

**FISH AND GAME COMMISSION**  
**Coonstripe Shrimp (Pandalus Danae) Fishing**

This filing submitted under section 100 of title 1 of the California Code of Regulations revises the fee for a commercial Coonstripe shrimp vessel trap permit from \$75.00 to \$76.25 pursuant to section 713 of the Fish and Game Code.

Title 14  
California Code of Regulations  
AMEND: 180.15  
Filed 05/11/05  
Effective 06/10/05  
Agency Contact: Jon Snellstrom (916) 653-4899

**FISH AND GAME COMMISSION**  
**Hunting, Firearms, and Archery Equipment Use and Permit Requirements**

In this "changes without regulatory effect" filing, the Fish and Game Commission revises fees in its regulation pertaining to "Hunting, Firearms, and

Archery Equipment Use and Permit Requirements on State and Federal Areas" in accordance with Fish and Game Code section 713.

Title 14  
California Code of Regulations  
AMEND: 551  
Filed 05/10/05  
Effective 06/09/05  
Agency Contact: Jon Snellstrom (916) 653-4899

**FISH AND GAME COMMISSION**  
**Nearshore Fishery Restricted Access Program**

This regulatory action updates the Permit and Endorsement fees for the Nearshore Fishery Restricted Access Program. These fees are based on the Implicit Price Deflator as required by statute and are a change without regulatory effect.

Title 14  
California Code of Regulations  
AMEND: 150  
Filed 05/10/05  
Effective 06/09/05  
Agency Contact: Jon Snellstrom (916) 653-4899

**FRANCHISE TAX BOARD**  
**Joint Return After Filing Separate Return**

This action without regulatory effect deletes the requirement that before a taxpayer could file an amended return to change his or her filing status from separate to joint, the tax on the separate returns must first be paid, to conform to the Taxpayers' Rights Conformity Legislation (Stats. 97, Ch. 600)

Title 18  
California Code of Regulations  
AMEND: 18522, 18526, 18523, 18530  
Filed 05/05/05  
Effective 06/04/05  
Agency Contact:  
Colleen Berwick (916) 845-3306

**OFFICE OF STATEWIDE HEALTH PLANNING  
AND DEVELOPMENT**  
**Emergency Department and Ambulatory Surgery  
Data Reporting**

This resubmittal filing updates reporting requirements for Hospital Discharge Data reports and adopts reporting requirements for Emergency Care Data reports and Ambulatory Surgery Data reports. This filing is the resubmittal of previously withdrawn OAL file number 04-1221-03S.

Title 22  
California Code of Regulations  
ADOPT: 97251, 97252, 97253, 97254, 97255,  
97256, 97257, 97258, 97259, 97260, 97261, 97262,  
97263, 97264, 97265 AMEND: 97210, 97211,  
97212, 97213, 97215, 97216, 97218, 97219, 97220,  
97221, 97222, 97223, 97224, 97225, 97226, 97227,



97228, 97229, 97230, 97

Filed 05/05/05

Effective 05/05/05

Agency Contact:

Candace L. Diamond (916) 324-2712

**SUPERINTENDENT OF PUBLIC INSTRUCTION  
CDD Child Protective Services and At Risk  
Children**

This regulatory action is to implement and make specific the amendments to Education Code § 8263 as a result of Senate Bill 1104, Chapter 229, Statutes of 2004. The regulations are necessary to clarify requirements regarding eligibility and payment of fees for child care and development services. The regulations also provide clarity regarding the fee exemption determination.

**Title 5**

California Code of Regulations

ADOPT: 18092.5 AMEND: 18066, 18069, 18078, 18081, 18083, 18084, 18092, 18103, 18106, 18109, 18110

Filed 05/06/05

Effective 05/06/05

Agency Contact: Debra Strain

**SUPERINTENDENT OF PUBLIC INSTRUCTION  
CDD—Programs—Alternative Payment Program**

Assembly Bill (AB) 72 (Statutes of 2004, Chapter 358) effective January 1, 2005 amends section 8212 and 8226 of the Education Code to require Resource and Referral (R&R) programs within two business days of being notified by the California Department of Social Services that a facility's license has been temporarily suspended, revoked, or placed on probation to (1) notify Alternative Payment Programs (APPs) and County Welfare Departments (CWDs) providing child care and development services for recipients of CalWORKS within their jurisdiction of the temporary suspension, revocation, or probation and (2) remove the facility from its referral list and provide notification to the facility of this action. Within two days of being notified of a suspension or revocation, AB 72 requires the APPs and CWDs to terminate payment to the facility and notify parents served by the facility that payment has been terminated and why. This emergency regulatory action amends and adds to existing regulations to implement these statutory changes.

**Title 5**

California Code of Regulations

ADOPT: 18220.2, 18224.2, 18224.4, 1840.5, 18249 AMEND: 18220, 18240, 18248

Filed 05/06/05

Effective 05/06/05

Agency Contact: Debra Strain

**CCR CHANGES FILED WITH THE  
SECRETARY OF STATE  
WITHIN DECEMBER 22, 2004  
TO MAY 11, 2005**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 2**

- 05/03/05 ADOPT: 20800.1, 20800.2, 20800.3, 20800.4, 20800.5, 20800.6, 20800.7, 20800.8, 20800.9, 20801.1, 20801.2, 20801.3 AMEND: 20800, 20801, 20802
- 05/02/05 ADOPT: 18640 AMEND: 18941.1, 18946, 18946.1, 18946.2, 18946.4
- 04/26/05 AMEND: 1859.2, 1859.42
- 04/19/05 AMEND: 172.4, 172.5, 172.6, 172.7, 172.8, 172.9, 172.10
- 03/21/05 AMEND: 549.70, 549.71, 549.72, 549.74
- 03/02/05 AMEND: 1859.73.2, 1859.145.1
- 02/28/05 AMEND: 1859.2
- 02/28/05 AMEND: 1859.2
- 02/28/05 AMEND: 1859.71.3, 1859.78.5
- 02/24/05 AMEND: 211
- 02/23/05 ADOPT: 1859.90.1 AMEND: 1859.2
- 02/15/05 AMEND: 1859.81
- 02/03/05 AMEND: 1859.106
- 02/03/05 ADOPT: 1859.78.8 AMEND: 1859.2, 1859.60, 1859.61, 1859.78.6
- 01/31/05 AMEND: 1859.2, 1589.33, 1859.35, 1859.77.3, 1859.82, 1859.83
- 01/26/05 ADOPT: 20107
- 01/04/05 AMEND: 18703.4, 18730, 18940.2, 18942.1, 18943
- 01/03/05 ADOPT: Division 8, Chapter 108, Section 59530.
- 12/31/04 ADOPT: 18229
- 12/31/04 AMEND: 18545

**Title 3**

- 05/09/05 ADOPT: 1392.2(t), 1392.4(h), 1392.4(i), 1392.4(j), 1392.9(c), 1392.9(d),
- 04/15/05 AMEND: 1446.9(c), 1454.16(c)
- 04/04/05 AMEND: 6400
- 03/07/05 ADOPT: 1392.8.1(3) AMEND: 1392.8.1.(2)
- 03/01/05 ADOPT: 796, 796.1, 796.2, 796.3, 796.4, 796.5, 796.6, 796.7, 796.8, 796.9 AMEND: Article 8 heading REPEAL:

795.10, 795.13, 795.14, 795.16, 795.17,  
795.19, 795.30, 795.32, 795.33, 795.50  
02/28/05 AMEND: 3430(b)  
02/24/05 AMEND: 1280.2  
02/23/05 AMEND: 3423(b)  
02/15/05 ADOPT: 4603(g)  
02/02/05 AMEND: 3430(b)  
01/21/05 ADOPT: 3700  
01/21/05 AMEND: 3700 (b)(c)  
01/14/05 AMEND: 3700(c)  
01/13/05 AMEND: 3962(a)

#### Title 4

04/27/05 AMEND: 1844, 1845  
04/04/05 ADOPT: 10300, 10302, 10305, 10310,  
10315, 10317, 10320, 10322, 10325,  
10326, 10327, 10328, 10330, 10335,  
10337  
03/22/05 AMEND: 12250, 12270, 12271, 12272  
02/28/05 AMEND: 2424  
02/11/05 ADOPT: 7030, 7031, 7032, 7033, 7034,  
7035, 7036, 7037, 7038, 7039, 7040,  
7041, 7042, 7043, 7044, 7045, 7046,  
7047, 7048, 7049, 7050  
02/04/05 AMEND: 1371  
01/28/05 ADOPT: 12270, 12271, 12272  
12/23/04 ADOPT: 10163, 10164 AMEND: 10152,  
10153, 10154, 10155, 10156, 10157,  
10158, 10159, 10160, 10161, 10162

#### Title 5

05/06/05 ADOPT: 3075.1, 13075.2, 13075.3,  
13075.4 AMEND: 13075  
05/06/05 ADOPT: 19850, 19851, 19852, 19853,  
19854 AMEND: 19813, 19814, 19814.1  
05/06/05 ADOPT: 18092.5 AMEND: 18066,  
18069, 18078, 18081, 18083, 18084,  
18092, 18103, 18106, 18109, 18110  
05/06/05 ADOPT: 18220.2, 18224.2, 18224.4,  
1840.5, 18249 AMEND: 18220, 18240,  
18248  
05/05/05 ADOPT: 80021, 80021.1  
04/14/05 AMEND: 19836  
03/24/05 ADOPT: 80307 AMEND: 80300, 80303,  
80310, 80412 REPEAL: 80307  
03/21/05 AMEND: 19828.1  
03/02/05 AMEND: 55607, 59509 REPEAL: 55310  
02/10/05 ADOPT: 19817.1, 19826.1, 19828.1,  
19837 AMEND: 19814, 19814.1, 19817,  
19826, 19828  
02/09/05 REPEAL: 9540, 9541, 9542, 9543, 9544,  
9545, 9546, 9547, 9548, 9549, 9550  
01/31/05 AMEND: 80048.3, 80457, 80523.1 RE-  
PEAL: 80413.1  
01/19/05 ADOPT: 19814.1, 19832, 19833, 19834,  
19835, 19836 REPEAL: 19814  
01/10/05 ADOPT: 3088.1, 3088.2

#### Title 8

04/29/05 AMEND: 3456  
04/28/05 AMEND: 1637  
04/19/05 REPEAL: 16003  
04/14/05 AMEND: 8354, 8397.10, 8397.11,  
8397.12, 8397.13.  
04/06/05 ADOPT: 9792.6, 9792.7, 9792.8, 9792.9,  
9792.10, 9792.11 REPEAL: 9792.6  
04/06/05 AMEND: 230.2  
03/16/05 AMEND: 344.30  
03/08/05 AMEND: 15220, 15220.1, 15220.3,  
15220.4  
03/07/05 AMEND: 5144  
02/28/05 ADOPT: 9767.1, 9767.2, 9767.3, 9767.4,  
9767.5, 9767.6, 9767.7, 9767.8, 9767.9,  
9767.10, 9767.11, 9767.12, 9767.13,  
9767.14  
02/04/05 AMEND: 5146  
01/26/05 AMEND: 3456  
01/26/05 AMEND: 5144  
01/24/05 AMEND: 3427  
12/31/04 ADOPT: 9785.4, AMEND: 9725, 9726,  
9727, 9785, 9785.2, 9785.3, 9805, 10150,  
10152, 10156, 10158, 10160, 10163,  
10165.5 REPEAL: 10151, 10154  
12/31/04 ADOPT: 9768.1, 9768.2, 9768.3, 9768.4,  
9768.5, 9768.6, 9768.7, 9768.8, 9768.9,  
9768.10, 9768.11, 9768.12, 9768.13,  
9768.14, 9768.15, 9768.16, 9768.17  
12/30/04 AMEND: 3380(d)  
12/27/04 ADOPT: 32032, 32033, 32034, 32035,  
81000, 81005, 81010, 81020, 81030,  
81040, 81050, 81055, 81060, 81065,  
81070, 81075, 81080, 81090, 81100,  
81105, 81110, 81115, 81120, 81125,  
81130, 81135, 81140, 81145, 81150,  
81155, 81160, 81165, 81170, 81175,  
81180,

#### Title 9

03/25/05 ADOPT: 13000, 13005, 13010, 13015,  
13020, 13025, 13030, 13035, 13040,  
13045, 13050, 13055, 13060, 13065,  
13070, 13075 AMEND: 9846, 10125,  
10564  
01/25/05 AMEND: 9525

#### Title 10

05/05/05 ADOPT: 2805, 2805.5, 2805.9, 2805.11,  
2806, 2807, 2807.1, 2807.2, 2807.3,  
2807.4, 2808, 2809, 2809.1, 2809.2,  
2809.3, 2809.5, 2810, 2810.5, 2811  
AMEND: 2814 REPEAL: 2805, 2805.1,  
2805.1.5, 2806, 2806.5, 2810, 2810.1,  
2810.2, 2810.3, 2810.4, 2810.6,  
04/29/05 AMEND: 2698.30, 2698.31, 2698.32,  
2698.33, 2698.34, 2698.35, 2698.36,  
2698.37, 2698.38, 2698.39, 2698.40,

2698.41 REPEAL: 2698.40, 2698.41,  
2698.42, 2698.43, 2698.44, 2698.45  
04/01/05 AMEND: 260.140.72, 260.140.72.1,  
260.140.72.5  
04/01/05 ADOPT: 2218.60, 2218.61, 2218.62,  
2218.63  
03/25/05 AMEND: 1556  
03/17/05 ADOPT: 2712 AMEND: 2835, 2840,  
2840.1, 2851, 2930  
03/02/05 AMEND: 2318.6, 2353.1, 2354  
02/09/05 AMEND: 260.165  
01/14/05 AMEND: 2498.6  
01/07/05 ADOPT: 2699.6608 AMEND: 2699.100,  
2699.200, 2699.201, 2699.205, 2699.209,  
2699.400, 2699.401, 2699.6500,  
2699.6600, 2699.6606, 2699.6607,  
2699.6611, 2699.6613, 2699.6617,  
2699.6619, 2699.6625, 2699.6631,  
2699.6705, 2699.6715, 2699.6717,  
2699.6725, 2699.  
12/28/04 AMEND: 2698.30, 2698.31, 2698.32,  
2698.33, 2698.34, 2698.35, 2698.36,  
2698.37, 2698.38, 2698.39, 2698.40,  
2698.41 REPEAL: 2698.42, 2698.43,  
2698.44, 2698.45  
12/27/04 AMEND: 4010, 4011, 4013, 4016, 4018,  
4019, 5000, 5001, 5002, 5003, 5005,  
5006, 5007, 5008, 509, 5010, 5013, 5020,  
5050, 5051, 5060, 5061, 5070, 5101,  
5110, 5111, 5112, 5113, 5114, 5115,  
5116, 5117, 5118, 5119, 5260, 5261,  
5262, 5263, 5264, 5266, 5267, 5  
12/27/04 AMEND: 2580.1, 2580.2, 2580.3,  
2580.4, 2580.5, 2580.6, 2580.7, 2580.8,  
2580.9  
12/22/04 AMEND: 2498.5  
12/22/04 AMEND: 2498.4.9, 2498.5

**Title 11**

05/11/05 ADOPT: 61.9  
05/09/05 ADOPT: 28.4  
05/04/05 ADOPT: 51.23  
05/04/05 ADOPT: 51.25  
05/04/05 ADOPT: 61.8  
05/04/05 AMEND: 51.2  
05/04/05 AMEND: 51.7  
05/03/05 AMEND: 51.14  
05/03/05 AMEND: 51.12  
05/03/05 AMEND: 51.24  
05/03/05 AMEND: 51.15  
03/30/05 AMEND: 970, 970.1, 971., 972, 972.1,  
972.2, 972.4, 972.5, 972.6, 972.7, 972.9,  
973, 973.1, 974, 974.1, 975, 975.1, 975.2,  
975.3, 975.4, 975.5, 975.6, 976, 976.1,  
976.2, 976.3, 976.4 REPEAL: 975.1  
03/30/05 ADOPT: 2037, 2038 AMEND: 2010,  
2037, 2038, 2050

03/15/05 ADOPT: 996  
02/18/05 AMEND: 63.5  
02/16/05 AMEND: 995.5  
01/26/05 AMEND: 1080  
01/19/05 ADOPT: 968.97, 968.99 AMEND:  
968.20, 968.35, 968.44, 968.60  
01/05/05 ADOPT: 51.22  
01/03/05 AMEND: 51.17  
01/03/05 AMEND: 26.4

**Title 12**

02/16/05 AMEND: 503(f)

**Title 13**

05/03/05 ADOPT: 159.10  
03/30/05 AMEND: 25.15, 25.18, 25.19, 25.22  
03/21/05 ADOPT: 2011 AMEND: 2180.1, 2181,  
2184, 2185, 2186, 2192, 2194  
03/10/05 AMEND: 2260, 2262, 2262.4, 2262.5,  
2262.6, 2262.9, 2263, 2265, 2266.5  
02/22/05 AMEND: 220.04, 220.12, 221.12  
02/08/05 AMEND: 330.32  
02/02/05 AMEND: 124.92, 124.93  
01/31/05 AMEND: 1956.1, 1956.2, 1956.3, 1956.4  
01/27/05 ADOPT: 2485  
01/26/05 ADOPT: 15.07  
01/07/05 AMEND: 1969  
01/04/05 AMEND: 553.70  
12/28/04 AMEND: 1  
12/27/04 ADOPT: 1971  
12/27/04 ADOPT: 150.06  
12/23/04 AMEND: 1151.1, 1151.2, 1151.3, 1151.4,  
1151.5, 1151.5.6, 1151.7, 1151.8,  
1151.8.4, 1151.9, 1151.9.1, 1151.10,  
1152.2, 1152.3, 1152.4, 1152.4.1, 1152.6,  
1152.7, 1152.7.1, 1152.8  
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